

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1414226

Court of Appeals Case No. 2016-000595

Laurent W. Britton, Decedent/Employee, and
Marsha P. Britton, Claimant, ... Respondents,

v.

Charleston County, Employer, and
SC Association of Counties, SIF, Carrier, ... Appellants.

APPENDIX TO RECORD ON APPEAL

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SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
COLUMBIA, SOUTH CAROLINA
WCC FILE NO. 1414226

EMPLOYEE/CLAIMANT: LAURENT BRITTON

EMPLOYER: CHARLESTON COUNTY

CARRIER: SOUTH CAROLINA ASSOCIATION OF COUNTIES SIF

SOUTH CAROLINA WORKERS' COMPENSATION HEARING

PURSUANT TO NOTICE OF WORKERS' COMPENSATION
HEARING, THE WITHIN HEARING WAS TAKEN ON THE 19TH DAY
OF JUNE, 2015, COMMENCING AT THE HOUR OF 10:22 A.M., IN
SAINT GEORGE, SOUTH CAROLINA, BEFORE THE HONORABLE
SUSAN S. BARDEN, ATTENDED BY COUNSEL AS FOLLOWS:

TIMMI A. PARRISH
VERBATIM REPORTER

ORIGINAL

TIMMI A. PARRISH
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ALSO ATTENDING: MS. LANG KOHEL
MS. KELLY BENSON
MS. AUSTIN BRUNER
MS. GISELA ZERDA

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1 PURSUANT TO NOTICE OF HEARING, THE WITHIN HEARING
2 WAS TAKEN BY THE ABOVE-NAMED COURT REPORTER, A NOTARY
3 PUBLIC FOR THE STATE OF SOUTH CAROLINA, IN SAINT GEORGE,
4 SOUTH CAROLINA.

5 * * * * *

6 **BY COMMISSIONER BARDEN:**

7 TODAY'S DATE IS JUNE 19TH, 2015. THIS IS SOUTH
8 CAROLINA WORKERS' COMPENSATION COMMISSION FILE
9 NUMBER 1414226. THIS IS THE CASE OF THE CLAIMANT,
10 MS. MARSHA BRITTON, WHO IS HERE FOR THE DECEASED
11 EMPLOYEE, LAURENT BRITTON, AND REPRESENTED BY
12 ATTORNEY WALTER HUNDLEY, VERSUS THE EMPLOYER,
13 CHARLESTON COUNTY, AND ITS CARRIER, THE SOUTH
14 CAROLINA ASSOCIATION OF COUNTIES SELF INSURANCE
15 FUND, BOTH OF WHICH ARE REPRESENTED BY ATTORNEY
16 HUBEY WOOD. THE PURPOSE OF TODAY'S HEARING IS TO
17 DETERMINE ISSUES RAISED IN FORMS 52 AND 53. THIS IS
18 A DENIED DEATH CLAIM. THE PARTIES DO AGREE AND
19 STIPULATE, HOWEVER, AS TO AVERAGE WEEKLY WAGE AND
20 COMPENSATION RATE, AND THOSE FIGURES ARE,
21 RESPECTIVELY, \$1,332.61 AND \$752.16. THE DATE OF
22 THIS ALLEGED ACCIDENT WAS SEPTEMBER 9TH, 2014. ARE
23 THERE ANY OBJECTIONS TO APAs, JURISDICTION, VENUE,
24 OR ANY OTHER ITEMS?

25 **BY MR. HUNDLEY:**

1 NO, MA'AM.

2 BY MR. WOOD:

3 NO, MA'AM.

4 BY THE COMMISSIONER:

5 THANK YOU BOTH. WITHOUT OBJECTION THE
6 COMMISSION FILE BECOMES A PART OF THE RECORD WITH
7 THE EXCEPTION OF SELF-SERVING DECLARATIONS AND
8 UNSTIPULATED MEDICAL REPORTS.

9 PRIOR TO GOING ON THE RECORD, WE HELD A
10 PREHEARING CONFERENCE. IT'S THE POSITION OF THE
11 CLAIMANT THAT THE DECEASED EMPLOYEE SUFFERED A
12 COMPENSABLE HEART ATTACK BECAUSE OF EXTRAORDINARY
13 AND UNUSUAL CONDITIONS OF HIS EMPLOYMENT ON
14 SEPTEMBER 9TH, 2014, ON WHICH DATE HE SUSTAINED A
15 HEART ATTACK AND ULTIMATELY DIED FROM HIS INJURY.
16 IT WAS A SUDDEN HEART ATTACK BASED UPON A VERY
17 LENGTHY AND STRESSFUL DAY'S WORK, VERY UNUSUAL IN
18 COMPARISON TO THE ORDINARY CONDITIONS OF EMPLOYMENT,
19 EXTRAORDINARY AND UNUSUAL IN THAT NOT ONLY DID THE
20 CLAIMANT WORK HIS -- OR THE DECEASED EMPLOYEE WORK
21 HIS NORMAL SHIFT OF SEVEN TO FOUR, BUT HE WAS CALLED
22 BACK AT SEVEN, WHERE HE REMAINED AT THE OFFICE, AS
23 THE ATTORNEY HAS DESCRIBED -- OF COURSE, I JUST
24 RECEIVED ALL THIS INFORMATION AND HAVEN'T HEARD THE
25 FIRST WORD OF TESTIMONY, BUT I UNDERSTAND FROM THE

1 ARGUMENTS OF THE ATTORNEYS THAT THE DECEASED
2 EMPLOYEE WAS UNDER A LOT OF STRESS AND STUCK IN A
3 CONTROL ROOM, IN WHICH CONTROL ROOM HE WAS MANAGING
4 A CRISIS SITUATION WHERE TWO OFFICERS WERE SHOT IN
5 THE LINE OF DUTY WHILE APPREHENDING A SUSPECT, THAT
6 THERE WAS A STANDOFF FOR A PERIOD OF APPROXIMATELY
7 NINE HOURS. HE WAS MANAGING -- THAT BEING THE
8 DECEASED EMPLOYEE -- MANAGING THE RADIO
9 COMMUNICATIONS FOR THE CRISIS SITUATION. AND
10 BECAUSE OF HIS RELATIONSHIP WITH THESE OFFICERS AND
11 OTHER FACTORS, WHICH WILL BE EXPLORED THROUGH THE
12 TESTIMONY, THAT HE IS -- THE CLAIMANT WOULD CONTEND
13 THAT SHE WOULD BE ENTITLED TO RECEIVE 500 WEEKS OF
14 COMPENSATION AS THIS IS A COMPENSABLE INJURY BY
15 ACCIDENT ARISING OUT OF AND IN THE COURSE AND SCOPE
16 OF THE DECEASED EMPLOYEE'S EMPLOYMENT.

17 AS A PERIPHERAL OR ANCILLARY MATTER, THE -- AND
18 I'M GOING TO HAVE TO ADDRESS THIS SEPARATELY, I
19 ASSUME. WE DIDN'T REALLY TOUCH ON IT MUCH IN THE
20 PREHEARING CONFERENCE. BUT THE CLAIMANT FURTHER
21 CONTENDS THAT SHE BELIEVES THAT THE DEFENDANTS DID
22 NOT MEDIATE THE CLAIM IN GOOD FAITH. BUT I DON'T
23 KNOW MUCH MORE THAN THAT. BUT SUFFICE IT TO SAY THE
24 CLAIMANT CONTENDS THAT SHE WOULD BE ENTITLED TO 500
25 WEEKS OF COMPENSATION, THAT THE DECEASED EMPLOYEE

1 MAY, IN FACT, HAVE HAD SOME PREEXISTING CARDIAC AND
2 OTHER ISSUES. THERE IS A DEPENDENCY INVESTIGATION,
3 WHICH INCLUDES A CERTIFICATE OF DEATH CERTIFICATE.
4 SO I BELIEVE THE CLAIMANT WOULD CONCEDE THAT THERE
5 MAY HAVE BEEN SOME PREEXISTING PROBLEMS, BUT THE
6 DECEASED EMPLOYEE WAS A HUNDRED PERCENT ON THE DATE
7 OF THE ACCIDENT, AND AT MOST THOSE PREEXISTING
8 CONDITIONS WERE AGGRAVATED. BUT AGGRAVATIONS CAN BE
9 COMPENSABLE, AND THE CLAIMANT WOULD CONTEND THAT
10 THIS WOULD CERTAINLY BE ONE OF THOSE SITUATIONS.

11 CONVERSELY, IT'S THE POSITION OF THE CARRIER
12 THAT BENEFITS UNDER THE ACT SHOULD BE DENIED. THE
13 DEFENDANTS BELIEVE THAT THE CLAIMANT CANNOT PROVE
14 THAT THE DECEASED WAS LABORING UNDER UNUSUAL AND
15 EXTRAORDINARY CONDITIONS OF HIS EMPLOYMENT ON THE
16 DATE OF THE ACCIDENT. THAT HIS JOB AS MANAGER OF
17 COMMUNICATIONS WAS ALREADY A STRESSFUL JOB. THAT
18 OFFICERS DO GET SHOT IN THE LINE OF DUTY. THAT
19 THERE WAS NO UNUSUAL, UNEXPECTED OR EXCESSIVE
20 STRAIN. THERE WAS NO OVEREXERTION AS FAR AS
21 CONDITIONS OF EMPLOYMENT VIS-A-VIS THE REGULAR
22 CONDITIONS OF EMPLOYMENT. THE CARRIER STRENUOUSLY
23 DENIES THAT BENEFITS SHOULD BE PROVIDED UNDER THE
24 ACT, AND THAT THE CLAIMANT CANNOT MEET HER BURDEN OF
25 PROOF THAT THE DECEASED EMPLOYEE, IN FACT, SUFFERED

1 A COMPENSABLE INJURY BY ACCIDENT.

2 NOW, THAT IS OBVIOUSLY VERY ABBREVIATED FROM
3 ALL WE SPOKE ABOUT IN OUR LENGTHY PREHEARING
4 CONFERENCE, SO I WILL CERTAINLY STAND TO BE
5 CORRECTED, OR IF THERE'S ANYTHING YOU WANT TO ADD OR
6 CLARIFY FROM THAT WHICH WE DISCUSSED IN THE
7 PREHEARING CONFERENCE, I AM CERTAINLY AMENABLE TO
8 HEARING FROM YOU NOW. AND I BEGAN WITH YOU, MR.
9 HUNDLEY. IF YOU'RE SATISFIED WITH THAT ---

10 BY MR. HUNDLEY:

11 I THINK YOU GOT THEM ALL ON THE POINTS. JUST
12 TO CLARIFY THAT WE, OF COURSE, PURSUANT TO STATUTE,
13 AS THE SPOUSE AND ONLY SURVIVOR, WE WOULD ASK FOR A
14 LUMP SUM. AND I WOULD POINT OUT THAT UNDER APA 79
15 THERE IS MEDICAL CAUSATION, AND THERE'S NO REFUTING
16 EVIDENCE, APA 79, DR. WILSON.

17 BY THE COMMISSIONER:

18 ALL RIGHT. MR. WOOD, DO YOU WISH TO RESPOND TO
19 ANY OF THAT?

20 BY MR. WOOD:

21 NO, MA'AM. I THINK YOU'VE STATED THE ISSUES
22 ACCURATELY, AND WE THINK YOU'LL OBVIOUSLY BE MUCH
23 MORE FAMILIAR WITH IT AFTER YOU HEAR THE TESTIMONY
24 AND READ THE APA SUBMISSIONS.

25 BY THE COMMISSIONER:

1 AND AS I TOLD YOU ALL IN THE PREHEARING
2 CONFERENCE, IT'S SOMETHING -- I WOULD LOVE TO BE
3 BETTER PREPARED AND RECEIVE ALL THE INFORMATION
4 PRIOR TO THE HEARING, BUT THAT'S NOT MY DECISION;
5 THAT'S THE LAW. SO THAT'S WHAT WE CONTEND WITH.
6 ALL RIGHT. MR. HUNDLEY, YOUR FIRST WITNESS, SIR,
7 WOULD BE?

8 BY MR. HUNDLEY:

9 WOULD BE MS. MARSHA BRITTON, THE WIDOW.

10 BY THE COMMISSIONER:

11 ALL RIGHT. CAN SHE STAY WHERE SHE IS, OR WOULD
12 YOU LIKE HER TO MOVE IN THAT CHAIR? WOULD IT HELP
13 YOU TO ---

14 BY THE COURT REPORTER:

15 YES, MA'AM. I CAN SEE HER.

16 BY THE COMMISSIONER:

17 SHE'S OKAY WHERE SHE IS? OKAY.

18 BY MR. HUNDLEY:

19 GOOD. THANK YOU FOR THE COURTESY.

20 BY THE COMMISSIONER:

21 THANK YOU SO MUCH. IF YOU'LL RAISE YOUR RIGHT
22 HAND, PLEASE. YOU'RE FINE SITTING.

23 BY THE WITNESS:

24 OKAY.

25 BY THE COMMISSIONER:

1 IF YOU'LL RAISE YOUR HAND.

2 * * * * *

3 THE WITNESS WAS DULY SWORN TO TELL THE TRUTH, THE
4 WHOLE TRUTH, AND NOTHING BUT THE TRUTH CONCERNING THE
5 MATTER HEREIN:

6 MARSHA PARKER BRITTON,

7 BEING FIRST DULY SWORN, TESTIFIED ON HER OATH AS
8 FOLLOWS:

9 BY THE COMMISSIONER:

10 PLEASE STATE YOUR FULL NAME FOR THE RECORD.

11 BY THE WITNESS:

12 MARSHA PARKER BRITTON.

13 BY THE COMMISSIONER:

14 THANK YOU SO MUCH. PLEASE ANSWER ANY QUESTIONS
15 YOUR LAWYER HAS FOR YOU. GO AHEAD, SIR.

16 DIRECT EXAMINATION BY MR. HUNDLEY:

17 Q. HOW OLD ARE YOU, MA'AM?

18 A. FIFTY-SEVEN.

19 Q. OKAY. AND HOW LONG WERE YOU AND THE DECEASED, AS WE
20 CALL HIM, CHIEF LARRY BRITTON, MARRIED?

21 A. THIRTY-THREE YEARS.

22 Q. AND YOU HAD ONE CHILD?

23 A. ONE CHILD. HE'S ALMOST 30.

24 Q. ALL RIGHT. HE WASN'T DEPENDENT UPON YOU OR LARRY AT
25 THE TIME OF LARRY'S DEATH; IS THAT CORRECT?

1 A. NO.

2 Q. ARE YOU CURRENTLY EMPLOYED?

3 A. I JUST FOUND A TEMP JOB. I WAS LAID OFF IN 2009 AND
4 HAVE BEEN UNABLE TO FIND A FULL-TIME PERMANENT JOB.
5 SO I WORK TEMP JOBS WHEN I CAN GET THEM.

6 Q. AND LARRY HAD A GOOD JOB, OF COURSE?

7 A. YES. LARRY HAD A FULL-TIME ---

8 Q. BUT YOU ARE USED TO, FOR THE COMMISSIONER'S ---

9 BY MR. HUNDLEY:

10 I WANT TO GET THIS OUT OF THE WAY,
11 COMMISSIONER.

12 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

13 Q. YOU'RE USED TO MANAGING AND HANDLING MONEY; IS THAT
14 CORRECT?

15 A. YES.

16 Q. ALL RIGHT. AND YOU DO HAVE, UNFORTUNATELY, A NEED
17 FOR A LUMP SUM PAYMENT IN THIS PARTICULAR CASE; IS
18 THAT CORRECT?

19 A. YES.

20 Q. AND WHAT WOULD THAT BE? WHAT SORT OF MAJOR PAYMENT
21 WOULD YOU HAVE TO MAKE?

22 A. OH, WELL, I HAVE A MORTGAGE THAT'S QUITE HIGH, AND
23 THE TEMPORARY JOB WON'T COVER ALL MY BILLS.

24 Q. THANK YOU. THIRTY-THREE YEARS WITH LARRY BRITTON.
25 A LOT OF PEOPLE KNEW LARRY; IS THAT CORRECT?

1 A. YES.

2 Q. OKAY. AND HE STARTED IN THE FIRST RESPONDER WORLD,
3 I THINK YOU TOLD ME, AT AGE 18?

4 A. EIGHTEEN HE JOINED THE CHARLESTON COUNTY RESCUE
5 SQUAD.

6 Q. AND WENT ON TO THE FIRE DEPARTMENT?

7 A. WENT ON TO THE FIRE DEPARTMENT IN 1980, STAYED IN
8 THE FIRE DEPARTMENT FOR ALMOST 20 YEARS.

9 Q. RETIRED AS A FIRE CHIEF?

10 A. RETIRED AS FIRE CHIEF OF ISLE OF PALMS.

11 Q. OKAY. SO HE WAS HERE DURING SMALLER TIMES IN OUR
12 COMMUNITY?

13 A. UH-HUH.

14 BY THE COMMISSIONER:

15 IS THAT A YES?

16 BY THE WITNESS:

17 YES.

18 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

19 Q. WOULD YOU SAY HE WAS PRETTY FAMILIAR WITH A LOT OF
20 OTHER FIRST RESPONDERS?

21 A. HE KNEW JUST ABOUT ALL THE FIRST RESPONDERS AND
22 POLICE OFFICERS IN CHARLESTON. HE GREW UP BASICALLY
23 AS AN ADULT WITH THESE PEOPLE. POLICE AND JUST --
24 AND FIRST RESPONDERS, FIREMEN, THEY MOVE AROUND A
25 LOT. SO YOU GET TO KNOW A LOT OF PEOPLE.

1 Q. LET ME ASK YOU THIS. IN ADDITION TO BEING A FIRE
2 CHIEF AND THEN HE WANTED TO CONTINUE FIRST
3 RESPONDING, SO HE GOT A JOB WITH CHARLESTON COUNTY
4 IN RADIO COMMUNICATIONS, IS THAT RIGHT?

5 A. UH-HUH. YES.

6 Q. AND I GUESS THAT'S AN IMPORTANT PART OF WHAT FIRST
7 RESPONDERS DO?

8 A. YES. HIS PARTICULAR JOB WAS VERY IMPORTANT,
9 MAINTAINING THE RADIO SYSTEMS FOR ALL OF CHARLESTON
10 COUNTY, SEVERAL FIRE DEPARTMENTS.

11 BY THE COMMISSIONER:

12 DO YOU RECALL HIS EXACT TITLE?

13 BY THE WITNESS:

14 I'M SORRY?

15 BY THE COMMISSIONER:

16 DO YOU RECALL HIS EXACT TITLE, HIS JOB TITLE?

17 BY THE WITNESS:

18 HE WAS A MANAGER, BUT I DON'T KNOW HIS EXACT
19 TITLE.

20 BY THE COMMISSIONER:

21 OKAY. ALL RIGHT. IT MAY BE IN THESE RECORDS
22 OR SOMEONE ELSE WILL TESTIFY TO THAT. THANK YOU.

23 BY THE WITNESS:

24 YEAH.

25 BY THE COMMISSIONER:

1 BUT YOU KNOW IT WAS IN RADIO COMMUNICATIONS?

2 BY THE WITNESS:

3 YES. AND HE WAS A MANAGER OF THAT DEPARTMENT.

4 BY THE COMMISSIONER:

5 OKAY.

6 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

7 Q. AND LARRY'S INVOLVEMENT WITH BEING A FIRST RESPONDER
8 WASN'T JUST LIMITED TO HIS JOB WITH COMMUNICATIONS
9 WITH CHARLESTON COUNTY, WAS IT?

10 A. NO. HE WAS -- HE WAS AN OFFICER IN CHARLESTON
11 COUNTY RESCUE SQUAD. HE WAS ALSO A STATE CONSTABLE,
12 AND HE WAS ALSO ON A FEDERAL DMAT TEAM, WHICH WAS
13 LIKE A MOBILE MASH UNIT FOR EMERGENCY SITUATIONS,
14 LIKE THEY WENT TO HAITI AND THEY WENT TO NEW
15 ORLEANS.

16 Q. SO HE WAS VERY INVOLVED WITH EMERGENCY FIRST
17 RESPONDING?

18 A. YES. HE WAS VERY INVOLVED, VERY DEDICATED, AND
19 LOVED WHAT HE DID.

20 Q. ALL RIGHT. ON THE DAY, LAST SEPTEMBER, WHAT WAS
21 NORMAL WORKING DAYS THAT DAY? WHAT WOULD HAVE BEEN
22 HIS NORMAL WORKING HOURS?

23 A. HIS NORMAL WORK HOURS WERE SEVEN UNTIL THREE-THIRTY
24 OR FOUR O'CLOCK, BUT IT WAS NOT UNUSUAL FOR HIM TO
25 WORK 'TIL FOUR-THIRTY OR SO EITHER.

1 Q. OKAY. AND THIS PARTICULAR DAY I THINK HE DIDN'T
2 COME STRAIGHT HOME; HE WENT SOMEWHERE ELSE? WHERE
3 DID HE GO?

4 A. HE HAD SOME MEETINGS AFTER WORK, AND THEN THERE WAS
5 A DINNER. I BELIEVE IT WAS THE TRI-COUNTY CHIEFS
6 ASSOCIATION DINNER.

7 BY THE COMMISSIONER:

8 WERE THE MEETINGS AFTER WORK, WERE THOSE WORK
9 MEETINGS? THE MEETINGS HE HAD AFTER WORK HOURS,
10 WERE THOSE WORK MEETINGS?

11 BY THE WITNESS:

12 I THINK THEY WERE, YES. AND THEN HE HAD THIS
13 MEETING -- MEETING DINNER WITH THE TRI-COUNTY FIRE
14 CHIEFS. I BELIEVE IT WAS THE FIRE CHIEFS. AND SO
15 HE WENT TO THAT.

16 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

17 Q. AND THEN WHAT HAPPENED? ANYTHING UNUSUAL HAPPEN
18 WHILE HE WAS DOING THE FIRE CHIEF DINNER?

19 A. WELL, WHILE HE -- WHILE HE WAS THERE HE WAS CALLED
20 BACK TO WORK. HE WAS NOTIFIED THAT THERE WAS A
21 STANDOFF WITH POLICE OFFICERS AND ANOTHER PERSON WHO
22 HAD A GUN. AND AT SOME POINT THE POLICE OFFICER WAS
23 SHOT. TWO POLICE OFFICERS WERE SHOT. I DON'T KNOW
24 IF HE KNEW THAT ONE DIED AT THAT POINT 'CAUSE I'M
25 NOT SURE OF THE TIMING OF THE CALLS. BUT I DO KNOW

1 THAT HE GOT CALLED OUT DURING THE MEETING SOMEWHERE
2 AROUND SEVEN.

3 Q. AND HIS JOB WAS TO GO ESTABLISH THE RADIO
4 COMMUNICATIONS, RIGHT?

5 A. HE HAD TO GO TO HIS OFFICE, ESTABLISH COMMUNICATIONS
6 WITH DIFFERENT DEPARTMENTS, GET THEM ALL ON THE SAME
7 RADIO FREQUENCY. HE'D MONITOR THAT, MAKE SURE ALL
8 THE POLICE OFFICERS, EMS, FIRST RESPONDERS WERE ALL
9 ABLE TO COMMUNICATE WITH EACH OTHER ON THE SCENE.

10 Q. THE RECORDS REFLECT IN THIS PARTICULAR EMERGENCY
11 THAT HUNDREDS OF POLICE OFFICERS AND FIRST
12 RESPONDERS WERE INVOLVED. IS THAT CORRECT?

13 A. YES.

14 Q. OKAY. AND LARRY COULDN'T BE THERE. WHAT WAS HIS
15 JOB?

16 A. LARRY'S JOB WAS TO STAY IN THE RADIO ROOM AND -- AND
17 THIS IS NOT DISPATCH. IT'S A SEPARATE BUILDING. HE
18 HAD TO MAKE SURE THAT ALL THE FREQUENCIES WERE UP,
19 ALL THE TOWERS WERE WORKING, AND MAKE SURE THAT EACH
20 DEPARTMENT WAS ABLE TO COMMUNICATE WITH A DIFFERENT
21 DEPARTMENT. THAT WAS THE BASIS OF HIS JOB, PART OF
22 HIS JOB THAT I KNOW.

23 Q. AND WITH AN OFFICER DOWN, WHAT DO YOU THINK HIS
24 EMOTIONAL STATE WOULD HAVE BEEN, BEING MARRIED TO
25 LARRY FOR 33 YEARS AND KNOWING HIS INVOLVEMENT WITH

1 THE FIRST RESPONDING COMMUNITY ALL THAT TIME?

2 A. WELL, THE FIRST EMOTION WOULD HAVE BEEN HE WOULD
3 HAVE WANTED TO BE ON THE SCENE TO HELP. HE WAS
4 ALWAYS HELPING OUT AT SCENES. WHEN HE WASN'T
5 WORKING OR ON DUTY HE WOULD GO TO FIRES AND WRECKS
6 AND THINGS LIKE THAT. AND WHEN IT INVOLVED FAMILY
7 LIKE THAT -- BECAUSE THE FIRST RESPONDER SYSTEM IN
8 CHARLESTON, PROBABLY EVERYWHERE, THEY'RE ALL LIKE
9 FAMILY TO EACH OTHER. THEY ALL KNOW EACH OTHER.
10 THEY KNOW THEIR HUSBANDS AND WIVES AND THINGS LIKE
11 THAT. SO, LARRY DEFINITELY WOULD HAVE WANTED TO BE
12 ON THE SCENE TO HELP IN ANY WAY HE COULD.

13 Q. BUT THAT WASN'T HIS RESPONSIBILITY, WAS IT?

14 A. NO. HE COULDN'T GO TO THE SCENE. BUT HIS JOB WAS
15 AS IMPORTANT AS ANYONE ON THE SCENE BECAUSE HE KEPT
16 -- KEPT EVERYBODY IN COMMUNICATIONS.

17 Q. A LARGE RESPONSIBILITY BEING THE ONLY MAN IN THAT
18 BUILDING, RIGHT?

19 A. YES. HE WAS THE ONLY PERSON IN THE BUILDING DOING
20 WHAT HE DOES, KIND OF A CLOSED-IN BUILDING. IT'S
21 NOT A HUGE OFFICE.

22 BY THE COMMISSIONER:

23 WAS HE BY HIMSELF USUALLY OR JUST THIS NIGHT,
24 OR DO YOU KNOW?

25 BY THE WITNESS:

1 HE WAS NOT NORMALLY BY HIMSELF, NO.

2 BY THE COMMISSIONER:

3 OKAY.

4 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

5 Q. OKAY. I THINK WE KNOW A LITTLE BIT ABOUT HIS LIFE,
6 WHAT HE WAS DOING THAT NIGHT, THE EMOTIONAL
7 SITUATION. I GUESS -- AND WE'VE GOT OTHER EXPERTS
8 TO TESTIFY TO THIS, BUT THE RESPONSIBILITY INVOLVED,
9 ARE YOU AWARE OF, OR MAYBE THE OTHER EXPERTS WILL
10 TESTIFY, WHAT WOULD HAPPEN IF THOSE COMMUNICATIONS
11 WEREN'T SET UP CORRECTLY OR IF THEY WENT DOWN?

12 A. WELL, IF THE COMMUNICATIONS WEREN'T WORKING AND THE
13 DIFFERENT PEOPLE COULDN'T COMMUNICATE, THERE WOULD
14 PROBABLY BE A LITTLE BIT OF CHAOS BECAUSE OFFICERS
15 WOULDN'T KNOW WHAT OTHER OFFICERS WERE DOING. THE
16 PERSON ON THE SCENE THAT WAS HEAD OF COMMAND
17 WOULDN'T KNOW WHAT EVERYBODY'S DOING. SO IT WOULD
18 PROBABLY GET A LITTLE CHAOTIC.

19 Q. A HEAVY RESPONSIBILITY WHEN AN OFFICER'S DOWN,
20 RIGHT?

21 A. YES. IT'S HARD TO IMAGINE. I WORKED AT A POLICE
22 DEPARTMENT WHEN A POLICE OFFICER WAS KILLED, AND
23 IT'S VERY HARD WHEN SOMEONE THAT YOU WORK WITH AND
24 KNOW IS SHOT OR KILLED ON THE LINE OF DUTY. IT'S A
25 DIFFERENT KIND OF STRESS. IT'S HARD TO EXPLAIN.

1 BUT EVERYBODY WANTS TO COME OUT AND EVERYBODY WANTS
2 TO HELP.

3 Q. NOT YOUR NORMAL EMERGENCY THEN, WAS IT?

4 A. NO, IT WASN'T A NORMAL EMERGENCY. FIRST RESPONDERS
5 CARE ABOUT THE PEOPLE THAT ARE ON THE STREET THAT
6 GET HURT IN WRECKS AND THINGS LIKE THAT, BUT THERE'S
7 NO -- THERE'S NOTHING PERSONAL ABOUT IT. BUT WHEN
8 -- WHEN IT'S ANOTHER OFFICER OR ANOTHER FIREMAN,
9 THEN IT BRINGS IT INTO THEIR FAMILY SORT OF AND JUST
10 MAKES IT HARDER TO DEAL WITH, MUCH MORE STRESSFUL.

11 Q. AND THE RECORDS INDICATE, I MEAN, IT'S BEEN WELL
12 OVER TEN YEARS, ALMOST FIFTEEN YEARS SINCE THE LAST
13 TIME A CHARLESTON COUNTY DEPUTY WAS KILLED IN THE
14 LINE OF DUTY. IS THAT YOUR UNDERSTANDING?

15 A. UH-HUH.

16 BY THE COMMISSIONER:

17 IS THAT A YES?

18 BY THE WITNESS:

19 YES. IT'S BEEN A WHILE.

20 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

21 Q. AND IF, IN FACT -- I THINK I'M REPEATING MYSELF.
22 BUT IF, IN FACT, THE COMMISSIONER WERE TO RULE IN
23 FAVOR OF COMPENSABILITY OF THIS CLAIM, YOU DO DESIRE
24 AND NEED FOR IT TO BE PAID IN A LUMP SUM; IS THAT
25 CORRECT?

1 A. YES. I DO NEED IT IN LUMP SUM.

2 BY MR. HUNDLEY:

3 PLEASE ANSWER ANY QUESTIONS THE COMMISSIONER OR
4 ATTORNEY WOOD HAS.

5 BY THE WITNESS:

6 OKAY.

7 BY THE COMMISSIONER:

8 MR. WOOD.

9 BY MR. WOOD:

10 THANK YOU, COMMISSIONER. I'LL BE GLAD TO STAND
11 UP OVER HERE.

12 BY THE COMMISSIONER:

13 WHEREVER YOU WOULD LIKE TO BE. WE JUST DO THE
14 BEST WE CAN WITH THIS ROOM.

15 BY MR. WOOD:

16 SURE.

17 BY THE COMMISSIONER:

18 WE'RE JUST GRATEFUL TO HAVE IT.

19 BY MR. WOOD:

20 NO PROBLEM. IT IS A NICE HEARING FACILITY.

21 CROSS EXAMINATION BY MR. WOOD:

22 Q. MRS. BRITTON, WE'VE MET A COUPLE OF TIMES, AND IT'S
23 CERTAINLY A PLEASURE TO SEE YOU. I'M LIKE THE
24 COMMISSIONER; I REGRET THE CIRCUMSTANCES. BUT IT'S
25 BEEN A PLEASURE TO MEET YOU IN THE PROCESS, ---

1 A. THANK YOU.

2 Q. --- THE UNFORTUNATE PROCESS. I THINK MR. HUNDLEY
3 COVERED MOST OF THE MATERIAL STUFF CONCERNING THE
4 DEPENDENCY ISSUES. BUT I THINK YOU AND LARRY WERE
5 MARRIED IN 1983 OR THEREABOUTS; IS THAT CORRECT?

6 A. '83.

7 Q. OKAY. AND YOU ALL HAD ONE SON?

8 A. YES.

9 Q. NO OTHER CHILDREN?

10 A. NO.

11 Q. OKAY. AND YOU'RE NOT AWARE OF LARRY HAVING ANY
12 CHILDREN AT ANY OTHER TIME IN HIS LIFE ---

13 A. NO.

14 Q. --- FROM ANY OTHER RELATIONSHIP?

15 A. NO. WE MET VERY EARLY.

16 Q. AND THIS WAS THE FIRST MARRIAGE FOR BOTH OF YOU,
17 CORRECT?

18 A. YES.

19 Q. OKAY. AND THE TWO OF YOU WERE LIVING IN YOUR MOUNT
20 PLEASANT HOME AT THE TIME OF HIS DEATH AND FOR THREE
21 MONTHS PRIOR TO THAT?

22 A. YES.

23 Q. MR. HUNDLEY ASKED YOU IF ANYBODY WAS DEPENDENT ON
24 YOU ON THE DATE OF MR. BRITTON'S DEATH, AND YOU
25 SAID, NO, OTHER THAN YOURSELF. BUT THAT WOULD HAVE

1 EXTENDED FOR THREE MONTHS BEFORE THAT AS WELL,
2 CORRECT?

3 A. YES. WE HELPED OUR SON OUT QUITE A BIT SOMETIMES,
4 BUT HE WASN'T A DEPENDENT.

5 Q. HE'S MARRIED; HAS HIS OWN JOB?

6 A. HE'S MARRIED AND HAS CHILDREN.

7 Q. I THINK YOU HAD INDICATED IN YOUR DEPOSITION THAT
8 SEVERAL YEARS AGO WHEN HE AND HIS WIFE WERE BETWEEN
9 HOUSES THEY MAY HAVE STAYED WITH YOU ALL BRIEFLY?

10 A. YES, THEY STAYED WITH US FOR ABOUT EIGHT OR NINE
11 MONTHS.

12 Q. BUT THAT'S BEEN SEVERAL YEARS ---

13 A. IT'S BEEN TWO OR THREE YEARS AGO.

14 Q. OKAY. AND I THINK YOU ALSO MENTIONED IN YOUR
15 DEPOSITION TESTIMONY YOUR SISTER AT ONE POINT IN
16 TIME WAS STAYING WITH -- STAYING WITH YOU AND LARRY?

17 A. MY SISTER AND THREE OF HER CHILDREN.

18 Q. OKAY. BUT THAT WAS, I THINK YOU TOLD ME, SIX YEARS
19 AGO?

20 A. THEY STAYED WITH US FOR THREE YEARS, AND THEY LEFT
21 ABOUT THREE OR FOUR YEARS AGO.

22 Q. OKAY. ALL RIGHT. OKAY. FAIR ENOUGH. NOW, I
23 WANTED TO KIND OF REVIEW WITH YOU -- AND I KNOW IT'S
24 DIFFICULT CIRCUMSTANCES, BUT I DID WANT TO KIND OF
25 GO THROUGH THE TIME LINE OR THE EVENTS OF THE

1 PARTICULAR DAY WITH YOU AND JUST SORT OF HELP US GET
2 ORIENTED AS TO THE -- AS TO THE DATE OF THE
3 OCCURRENCE AND SO FORTH. MONDAY -- SEPTEMBER 8TH
4 WAS A MONDAY; IS THAT YOUR RECOLLECTION OF SEPTEMBER
5 8, 2014?

6 A. YES, IT WAS A MONDAY.

7 Q. OKAY.

8 A. IT WAS MY SON'S BIRTHDAY.

9 Q. ALL RIGHT. AND JUST TO SORT OF GET TO THE OTHER END
10 OF THE TIME LINE OF THE EVENTS, MR. BRITTON'S
11 UNFORTUNATE PASSING OCCURRED IN THE EARLY MORNING
12 HOURS OF TUESDAY, SEPTEMBER 9; IS THAT CORRECT?

13 A. YES.

14 Q. OKAY. AND THAT WAS AT MUSC, WHERE THEY HAD
15 TRANSPORTED HIM, CORRECT?

16 A. YES.

17 Q. OKAY. LET ME GET JUST A COUPLE OTHER HOUSEKEEPING
18 MATTERS THAT YOU CAN MAYBE HELP ME WITH, BECAUSE THE
19 COMMISSIONER HAS GOT CELL PHONE RECORDS, MR.
20 BRITTON'S CELL PHONE RECORDS, AS PART OF OUR APA
21 SUBMISSIONS. CAN YOU PROVIDE FOR THE RECORD YOUR
22 HOME TELEPHONE NUMBER?

23 A. MY CELL PHONE NUMBER IS 843-442-4264.

24 Q. AND DO YOU HAVE A LAND LINE AT YOUR HOUSE?

25 A. WE DON'T REALLY USE IT, NO.

1 Q. BUT YOU HAVE ONE?

2 A. YEAH, WE DO HAVE ONE. I JUST DON'T USE IT.

3 Q. OKAY. DO YOU KNOW THE TELEPHONE ---

4 A. EXCEPT EMERGENCIES.

5 Q. YES, MA'AM. DO YOU KNOW THE TELEPHONE NUMBER?

6 A. YES. 843-881-6360.

7 Q. OKAY. AND THOSE WERE THE TELEPHONE NUMBERS IN
8 OPERATION BACK ON SEPTEMBER 8TH?

9 A. YES.

10 Q. OKAY. NOW, I UNDERSTOOD FROM YOUR DEPOSITION WHEN I
11 TOOK IT A FEW MONTHS AGO THAT AT THE TIME ON
12 SEPTEMBER 8TH YOU WERE EMPLOYED AS A BOOKKEEPER OR
13 AN ASSISTANT IN THE ACCOUNTING DEPARTMENT WITH A
14 COMPANY KNOWN AS HESCO; IS THAT ---

15 A. HESCO, ANOTHER TEMP JOB.

16 Q. OKAY. ON THAT MORNING, MONDAY MORNING, I THINK YOU
17 AND LARRY BOTH GOT UP AND WENT TO YOUR RESPECTIVE
18 JOBS; IS THAT CORRECT?

19 A. YES.

20 Q. NOW, IN TAKING YOUR DEPOSITION TESTIMONY WE KIND OF
21 WENT THROUGH THAT. BUT AS I UNDERSTOOD YOUR
22 DEPOSITION TESTIMONY, AFTER YOU ALL -- WHOEVER LEFT
23 FIRST -- WHEN -- WHOEVER LEFT FIRST THAT MORNING TO
24 GO TO WORK, YOU DID NOT HAVE ANY FURTHER
25 COMMUNICATIONS WITH MR. BRITTON AFTER THAT POINT; IS

1 THAT CORRECT?

2 A. NOT THAT I REMEMBER, NO.

3 Q. OKAY. AND THAT'S WHAT YOU HAD TOLD ME IN YOUR
4 DEPOSITION; THAT YOU DIDN'T HAVE AN OCCASION TO
5 SPEAK TO HIM AGAIN AFTER YOU ALL LEFT TO GO TO WORK
6 THAT MONDAY MORNING?

7 A. RIGHT. SOMETIMES THAT WAS THE CASE BECAUSE HE'D GET
8 REAL BUSY AT WORK AND I WOULDN'T TALK TO HIM 'TIL HE
9 GOT HOME.

10 Q. OKAY. BUT ON THIS PARTICULAR DAY YOU DON'T RECALL
11 HAVING ANY FURTHER DISCUSSIONS WITH HIM?

12 A. I DON'T REMEMBER TALKING TO HIM.

13 Q. OKAY. ALL RIGHT. AND AS I UNDERSTAND IT, YOU
14 RECEIVED A TELEPHONE CALL ON YOUR CELL PHONE FROM
15 MARTIN KRATZ AT -- IN THE EARLY MORNING HOURS OF
16 SEPTEMBER 9; IS THAT CORRECT?

17 A. YES, YES.

18 Q. AND WAS MARTIN AT THAT TIME REPORTING TO YOU WHAT
19 WAS ONGOING WITH LARRY'S HEALTH AND WHAT WAS
20 HAPPENING?

21 A. HE TOLD ME THAT LARRY WAS ON HIS WAY TO THE
22 HOSPITAL. EMS HAD JUST GOT THERE AND WAS
23 TRANSPORTING HIM TO MUSC.

24 Q. OKAY. AND AS I UNDERSTOOD YOUR DEPOSITION
25 TESTIMONY, YOU HAD ACTUALLY TURNED IN EARLY THAT

1 NIGHT, GONE TO BED ABOUT 9:00; IS THAT CORRECT?

2 A. YES, YES.

3 Q. AND AS I UNDERSTOOD YOUR DEPOSITION TESTIMONY, YOU
4 INDICATED THAT WHEN YOU WENT TO BED THAT NIGHT YOU
5 WERE NOT AWARE OF THE CIRCUMSTANCES THAT WERE
6 UNFOLDING INVOLVING THE DEPUTIES AND THE STANDOFF?

7 A. NO, I WASN'T. NO.

8 Q. DO YOU REMEMBER, MRS. BRITTON -- AND WE'VE GOT THE
9 PHONE RECORDS, BUT DO YOU REMEMBER WHETHER MARTIN
10 CALLED YOU FROM LARRY'S CELL PHONE?

11 A. NO, I DON'T REMEMBER.

12 Q. OKAY. ALL RIGHT. AND YOU MAY NOT WOULD HAVE ANY
13 REASON TO KNOW THAT.

14 A. NO.

15 Q. OKAY. ALL RIGHT. AND WHAT TIME WOULD YOU ESTIMATE
16 THAT TO HAVE OCCURRED?

17 A. I THINK IT WAS AROUND 1:30.

18 Q. OKAY. LET ME ASK YOU -- I KIND OF GOT OUT OF
19 SEQUENCE, BUT LET ME GO BACK AND ASK YOU ABOUT SOME
20 OF THE DIRECT TESTIMONY YOU OFFERED ON LARRY'S
21 CAREER. HE WAS FIRE -- I THINK HE WAS A BATTALION
22 CAPTAIN AT SAINT JOHN'S FIRE DEPARTMENT BEFORE HE
23 WENT OVER TO ISLE OF PALMS?

24 A. YEAH. HE MADE IT UP TO BATTALION CHIEF.

25 Q. OKAY. AND THEN HE WAS THE CHIEF AT I.O.P.?

- 1 A. RIGHT.
- 2 Q. OKAY. AND THEN HE WAS SORT OF, AT LEAST IN TERMS OF
- 3 HIS PRIMARY JOB, HE WAS -- HE WORKED AT A WAREHOUSE
- 4 FOR SEVERAL YEARS?
- 5 A. HE DID WORK AT A WAREHOUSE FOR, I DON'T KNOW, FOUR
- 6 TO SIX YEARS, AND DURING THAT TIME HE WAS A FIRST
- 7 RESPONDER STILL.
- 8 Q. HE STILL PARTICIPATED?
- 9 A. RIGHT.
- 10 Q. OKAY. AND THAT'S WHAT I WANTED TO ASK YOU ABOUT.
- 11 WERE YOU FAMILIAR WITH THE VARIOUS FIRST RESPONDER
- 12 TRAINING THAT HE HAD UNDERGONE IN CONNECTION WITH
- 13 HIS FIREFIGHTER POSITIONS AND HIS FIREFIGHTER
- 14 CAREER?
- 15 A. SOME OF THEM, YES.
- 16 Q. OKAY. BUT HE WAS -- HE HAD REACHED THE LEVEL OF
- 17 CHIEF AT ISLE OF PALMS?
- 18 A. RIGHT. AND HE HAD MOVED UP AT SAINT JOHN'S FROM
- 19 BASICALLY THE BOTTOM. SO HE HAD A LOT OF TRAINING
- 20 AND A LOT OF SEMINARS.
- 21 Q. AND A LOT OF EXPERIENCE?
- 22 A. A LOT OF EXPERIENCE AS A FIREMAN.
- 23 Q. OKAY. YOU MENTIONED -- WELL, LET ME ASK YOU ABOUT
- 24 THE -- YOU KNEW HE WAS A STATE CONSTABLE?
- 25 A. YES.

1 Q. OKAY. AND WERE YOU FAMILIAR WITH HIS TRAINING IN
2 CONNECTION WITH BECOMING A LICENSED STATE CONSTABLE?

3 A. VAGUELY.

4 Q. OKAY. BUT YOU KNEW HE HAD SOME TRAINING IN THAT
5 REGARD FOR THAT ROLE?

6 A. OH, YES.

7 Q. OKAY. AND HE PARTICIPATED FREQUENTLY IN HIS ROLE AS
8 A LICENSED CONSTABLE?

9 A. YES, HE DID.

10 Q. THE FIRE -- OR THE RESCUE SQUAD, THE CHARLESTON
11 COUNTY RESCUE SQUAD, I THINK YOU INDICATED THAT HE
12 HAD BECOME A MEMBER OF THAT AS EARLY AS AGE 18; IS
13 THAT CORRECT?

14 A. YES, AND THEN HE DID TAKE A BREAK DURING THAT --
15 BETWEEN THE TIME HE WAS 18 AND WHEN HE DIED. THERE
16 HAD BEEN A PERIOD, MAYBE IN HIS 30'S -- I REALLY
17 DON'T REMEMBER THE DATES, BUT HE DID TAKE A BREAK
18 FROM THE RESCUE SQUAD FOR A WHILE, AND THEN HE WENT
19 BACK TO IT.

20 Q. ARE YOU FAMILIAR WITH THE EXTENT OF HIS TRAINING AND
21 EXPERIENCE IN CONNECTION WITH THE RESCUE SQUAD?

22 A. SOME OF IT. I KNOW HE HAD SWIFT WATER RESCUE. THEY
23 HAVE TO LEARN HOW TO USE THE JAWS OF LIFE. AND HE
24 WAS AN EMT FOR MOST OF THOSE YEARS.

25 Q. OKAY. AND I THINK LATER IN LIFE HE HAD GOTTEN

1 INVOLVED WITH FEMA IN THE FEDERAL GOVERNMENT'S
2 DISASTER RESPONSE TEAM; IS THAT CORRECT?

3 A. YES. THAT'S THE DMAT TEAM.

4 Q. ARE YOU FAMILIAR WITH HIS TRAINING AND EXPERIENCE IN
5 THAT AREA?

6 A. SOME OF IT, YES.

7 Q. I THINK YOU TOLD ME AT THE DEPOSITION THAT HE HAD
8 RESPONDED AS PART OF DMAT WITH THE SUPERSTORM SANDY,
9 WHICH WOULD HAVE BEEN IN 2012, I THINK?

10 A. YES.

11 Q. AND ALSO IN HAITI FOLLOWING THE EARTHQUAKE?

12 A. YES, AND IN NEW ORLEANS FOR KATRINA.

13 Q. KATRINA, OKAY. ALL RIGHT. AND I THINK HE REGULARLY
14 -- YOU TOLD ME IN YOUR DEPOSITION THAT HE REGULARLY
15 PARTICIPATED IN SEMINARS AND TRAINING WITH DMAT ON A
16 MONTHLY BASIS?

17 A. YES.

18 Q. SOME LOCALLY, SOME IN WASHINGTON, D.C.?

19 A. YES.

20 Q. OKAY. ALL RIGHT. GOING BACK TO THE NIGHT IN
21 QUESTION, AND YOU OFFERED SOME TESTIMONY, A
22 SIGNIFICANT AMOUNT OF TESTIMONY, AS TO WHAT LARRY'S
23 JOB WAS. AND I WANTED TO ASK YOU ABOUT THAT,
24 BECAUSE WHEN WE COVERED THAT SUBJECT AT YOUR
25 DEPOSITION YOU TOLD ME THAT YOU DIDN'T REALLY KNOW A

1 LOT ABOUT THE SPECIFICS OF WHAT LARRY DID; THAT YOU
2 KNEW HE WORKED IN A SEPARATE PLACE FROM DISPATCH.
3 IS THAT FAIR?

4 A. YES.

5 Q. YOU DON'T KNOW A LOT OF THE SPECIFICS OF WHAT THE
6 JOB INVOLVED?

7 A. I DON'T KNOW A LOT OF SPECIFICS. I JUST KNOW THAT
8 HE WORKED WITH THE -- PROGRAMMING RADIOS. HE HAD TO
9 DEAL WITH THE TOWERS THAT WERE UP. HE WAS A MANAGER
10 OF THE DEPARTMENT. HE ALSO HAD TO DEAL WITH HELPING
11 TO SET UP THE 911 SYSTEM.

12 Q. OKAY. I ASKED YOU SPECIFICALLY -- AND I'LL BE GLAD
13 -- MR. HUNDLEY MAY HAVE A COPY, AND IF HE DOES IT'S
14 ON PAGE 39, AND I'LL BE PLEASED TO SHOW IT TO YOU.
15 BUT I ASKED YOU AT THAT DEPOSITION ---

16 BY THE COMMISSIONER:

17 DO I HAVE THAT?

18 BY MR. WOOD:

19 NO, MA'AM. WE CAN HAND IT UP IF YOU WANT TO
20 HAVE IT.

21 BY THE COMMISSIONER:

22 WELL, IF YOU'RE GOING TO REFER TO IT, I WOULD
23 LIKE A COPY.

24 BY MR. WOOD:

25 OKAY. CERTAINLY.

1 BY THE COMMISSIONER:

2 THANK YOU. DID YOU SAY 37?

3 BY MR. WOOD:

4 THIRTY-NINE, COMMISSIONER.

5 BY THE COMMISSIONER:

6 THIRTY-NINE; EXCUSE ME.

7 CROSS EXAMINATION RESUMED BY MR. WOOD:

8 Q. I ASKED YOU, MRS. BRITTON, WHETHER YOU KNEW WHY MR.
9 BRITTON WOULD HAVE GONE INTO THE RADIO
10 COMMUNICATIONS BUILDING ON THE EVENING OF SEPTEMBER
11 8TH.

12 A. UH-HUH.

13 Q. AND YOU TOLD ME, NOT REALLY, THAT YOU NEVER
14 UNDERSTOOD HIS JOB ENOUGH TO EXPLAIN ANY OF IT TO
15 ME?

16 A. NOT TO EXPLAIN IT IN DETAIL, NO.

17 Q. OKAY. ALL RIGHT. SO YOU'RE NOT -- YOU DON'T KNOW
18 EXACTLY WHAT LARRY WAS RESPONSIBLE FOR DOING ON THAT
19 PARTICULAR EVENING?

20 A. OTHER THAN KEEPING THE RADIOS ON THE RIGHT
21 FREQUENCIES, THINGS LIKE THAT. THAT'S ALL I WOULD
22 HAVE KNOWN.

23 Q. DO YOU KNOW WHETHER EMERGENCY RESPONSE BEING ON CALL
24 24/7, DO YOU KNOW WHETHER THAT WAS A DISCLOSED
25 COMPONENT OF THE JOB THAT LARRY HELD WITH THE

1 COUNTY, BOTH WHEN HE WAS THE ASSISTANT AND WHEN HE
2 BECAME THE RADIO COMMUNICATIONS MANAGER IN, I THINK,
3 2011?

4 A. I DON'T KNOW THAT IT WAS -- I'M NOT SURE.

5 Q. OKAY. ALL RIGHT.

6 A. I KNOW THAT HE DID GET CALLS IN THE MIDDLE OF THE
7 NIGHT, AND HE HAD TO GET UP AT FIVE IN THE MORNING
8 FOR CONFERENCE CALLS BEFORE.

9 Q. OKAY. OKAY. BUT YOU NEVER SAW THE JOB DESCRIPTION
10 THAT THE COUNTY PUBLISHED?

11 A. NO, I'VE NEVER SEEN A JOB DESCRIPTION.

12 Q. OKAY. ALL RIGHT. AND IN TERMS OF SPECIFICALLY WHAT
13 LARRY ENCOUNTERED THAT EVENING, YOU OFFERED SOME
14 TESTIMONY ABOUT HIM GETTING CALLED OUT, THAT HE WAS
15 BY HIMSELF, AND YOU'VE TESTIFIED IN YOUR DEPOSITION
16 AND TODAY THAT YOU DON'T RECALL SPEAKING TO HIM AT
17 ANY TIME AFTER THAT PARTICULAR MORNING WHEN YOU ALL
18 BOTH LEFT TO GO TO WORK FROM THE HOUSE?

19 A. I DON'T RECALL. I'M NOT SAYING I DIDN'T, BUT I
20 DON'T REMEMBER TALKING TO HIM THAT DAY.

21 Q. OKAY. AND SO YOU REALLY DON'T KNOW WHAT HE
22 ENCOUNTERED THAT EVENING, WHAT THE SITUATION WAS
23 WITH THE RADIO COMMUNICATIONS, WHAT HIS PARTICULAR

24 ---

25 A. NOT DETAILS, NO.

1 Q. OKAY. ALL RIGHT. FAIR ENOUGH. AND I THINK YOU
2 AGREE WITH ME THAT BILL TUNICK AND MARTIN KRATZ
3 WOULD BE MUCH MORE FAMILIAR WITH THE SITUATION, BOTH
4 IN TERMS OF LARRY'S GENERAL OVERALL JOB
5 RESPONSIBILITIES AS WELL AS THE SPECIFICS OF WHAT HE
6 MAY HAVE ENCOUNTERED THAT EVENING OF SEPTEMBER 8TH?

7 A. YES, YES.

8 Q. OKAY. NOW, HOW DO YOU KNOW THAT HE WAS BY HIMSELF?

9 A. MARTIN TOLD ME.

10 Q. SO IT'S YOUR UNDERSTANDING THAT MR. BRITTON, DURING
11 THE HOURS AT THE -- HE WAS AT THE RADIO
12 COMMUNICATIONS BUILDING?

13 A. UH-HUH.

14 Q. THAT'S A YES?

15 BY THE COMMISSIONER:

16 IS THAT A YES?

17 BY THE WITNESS:

18 BEST I KNOW.

19 BY THE COMMISSIONER:

20 IS THAT A YES?

21 BY THE WITNESS:

22 YES.

23 CROSS EXAMINATION RESUMED BY MR. WOOD:

24 Q. HE DID NOT GO TO THE EMERGENCY SCENE ITSELF, WHICH I
25 THINK THE -- I DON'T THINK THERE'S ANY DISPUTE ABOUT

1 THIS; IT'S IN THE RECORDS -- WAS AT 1840 CARRIAGE
2 LANE, AT THE GARDEN APARTMENTS IN THE WEST ASHLEY
3 AREA OF CHARLESTON. YOU DON'T HAVE ANY KNOWLEDGE OF
4 HIM EVER BEING AT THAT SCENE?

5 A. I DON'T HAVE ANY KNOWLEDGE OF THAT. BEST I KNOW HE
6 DID NOT GO.

7 Q. OKAY. OKAY. NOW, ONE OTHER QUESTION, AND I
8 UNDERSTAND YOUR TESTIMONY ABOUT MR. BRITTON'S
9 INVOLVEMENT IN THE FIRST RESPONDER COMMUNITY, BEING
10 FAMILIAR WITH THE VARIOUS FOLKS WHO THEY PROVIDED
11 SERVICES TO AT THE RADIO COMMUNICATIONS DEPARTMENT
12 THERE WITH THE COUNTY. BUT I ASKED YOU AT THE
13 DEPOSITION ABOUT ANY TYPE OF SPECIAL RELATIONSHIP
14 BEYOND AN ACQUAINTANCE WITH DEPUTY MATUSKOVIC, WHO
15 WAS KILLED IN ACTION THAT PARTICULAR NIGHT, AND
16 DEPUTY ACKERMAN, WHO WAS WOUNDED ON THAT PARTICULAR
17 NIGHT, AND I THINK YOU WERE NOT AWARE OF ANY TYPE OF
18 SPECIAL FRIENDSHIP OR ANYTHING BEYOND AN
19 ACQUAINTANCE; IS THAT FAIR?

20 A. I DON'T KNOW, YOU KNOW, SPECIFICALLY TO THOSE
21 PEOPLE. I JUST KNOW THAT HE KNEW MOST OF THE
22 OFFICERS.

23 Q. OKAY. FAIR ENOUGH. I'M GOING TO ASK YOU A LITTLE
24 BIT ABOUT THE TIME LINE, AND YOU MENTIONED THAT MR.
25 BRITTON WAS CALLED OUT -- YOU THOUGHT THAT HE WAS

1 CALLED OUT BY SOMEBODY?

2 BY THE COMMISSIONER:

3 IS THAT A YES?

4 BY THE WITNESS:

5 YES. I'M SORRY.

6 BY THE COMMISSIONER:

7 THAT'S OKAY.

8 BY THE WITNESS:

9 YES.

10 CROSS EXAMINATION RESUMED BY MR. WOOD:

11 Q. DO YOU KNOW WHETHER ---

12 BY THE COMMISSIONER:

13 I'M NOT TRYING TO BE RUDE. WE JUST WANT TO
14 MAKE SURE WE HAVE A GOOD RECORD.

15 BY THE WITNESS:

16 RIGHT. I KNOW.

17 BY THE COMMISSIONER:

18 SO I'M NOT TRYING TO BE RUDE TO YOU.

19 BY THE WITNESS:

20 THANK YOU.

21 CROSS EXAMINATION RESUMED BY MR. WOOD:

22 Q. ARE YOU CERTAIN AS TO WHETHER HE WAS CALLED OUT OR
23 WHETHER HE -- OR AT HIS DIRECTION MARTIN CONTACTED
24 THE SHERIFF'S DEPARTMENT TO INQUIRE WHETHER THEY
25 SHOULD COME OUT?

1 A. FROM WHAT I WAS TOLD, SOMEONE CALLED LARRY.

2 Q. OKAY. ALL RIGHT. YOU DON'T KNOW WHO IT WAS?

3 A. UH-UH. I WOULD THINK ---

4 BY THE COMMISSIONER:

5 IS THAT A NO?

6 BY THE WITNESS:

7 NO, I DON'T KNOW. I WOULD THINK MARTIN OR BILL
8 WOULD KNOW.

9 CROSS EXAMINATION RESUMED BY MR. WOOD:

10 Q. OKAY. ALL RIGHT. AND IN TERMS OF THE TIME LINE, DO
11 YOU HAVE ANY SPECIFIC KNOWLEDGE OR DIRECT KNOWLEDGE
12 AS TO WHEN THE FIRE FIGHT -- OR GUNFIRE EXCHANGE
13 INVOLVING THE DEPUTIES -- DO YOU HAVE ANY IDEA WHAT
14 TIME THAT OCCURRED?

15 A. NO, I DON'T HAVE ANY DIRECT KNOWLEDGE.

16 Q. OKAY. AND DO YOU HAVE ANY -- I ASSUME, THEN, THAT
17 YOU ALSO DON'T HAVE ANY DIRECT KNOWLEDGE AS TO WHEN
18 THAT OCCURRED RELATIVE TO THE TIME THAT LARRY
19 ACTIVATED WHAT HE DID WITH THE RADIO COMMUNICATIONS
20 DEPARTMENT IN ---

21 A. NOT DIRECT KNOWLEDGE, NO, JUST WHAT I'VE HEARD.

22 BY MR. WOOD:

23 OKAY. ALL RIGHT. THAT'S ALL I HAVE.

24 BY THE COMMISSIONER:

25 ALL RIGHT. THANK YOU. MR. HUNDLEY, ANYTHING

1 ON REDIRECT?

2 BY MR. HUNDLEY:

3 WELL, BRIEFLY.

4 BY THE COMMISSIONER:

5 ALL RIGHT.

6 REDIRECT EXAMINATION BY MR. HUNDLEY:

7 Q. MR. WOOD WENT INTO A LOT OF DETAILS OF WHAT HE
8 ACTUALLY DID AND DIDN'T DO AND YOU CORRECTLY
9 RESPONDED. I MEAN, YOU DON'T KNOW EXACTLY WHAT THE
10 DETAILS OF WHAT HE DID TECHNICALLY OUT THERE, DO
11 YOU?

12 A. NO.

13 Q. BUT YOU'VE BEEN MARRIED TO HIM 33 YEARS?

14 A. YES.

15 Q. AND HE'S BEEN A FIRST RESPONDER ALMOST ALL THAT
16 TIME?

17 A. YES.

18 Q. AND YOU WOULD BE FAMILIAR WITH HIS EMOTIONAL STATE
19 AND WHAT IT WOULD BE ON A NIGHT LIKE THAT?

20 A. YES.

21 Q. AND THAT WOULDN'T BE THE USUAL EMERGENCY FOR HIM,
22 WOULD IT?

23 A. NO, IT WOULDN'T.

24 BY MR. HUNDLEY:

25 THANK YOU. THAT'S ALL I'VE GOT OF THIS

1 WITNESS, COMMISSIONER.

2 BY THE COMMISSIONER:

3 ALL RIGHT. MR. WOOD, ANYTHING ELSE?

4 BY MR. WOOD:

5 NO, MA'AM.

6 BY THE COMMISSIONER:

7 ALL RIGHT. ALL RIGHT. MR. HUNDLEY, YOUR NEXT

8 WITNESS WILL BE, SIR?

9 BY MR. HUNDLEY:

10 IT WILL BE COUNTY CORONER, LONG-TIME COUNTY

11 CORONER RAE WOOTEN.

12 BY THE COMMISSIONER:

13 OKAY. IF SOMEONE WILL GO GET MR. WOOTEN.

14 BY MR. WOOD:

15 IT'S A SHE.

16 BY THE COMMISSIONER:

17 SHE. I'M SORRY. RAE, R-A-E?

18 BY MR. HUNDLEY:

19 R-A-E.

20 BY THE COMMISSIONER:

21 THANK YOU.

22 (OFF THE RECORD)

23 BY THE COMMISSIONER:

24 HELLO, CORONER WOOTEN. WE APPRECIATE YOUR

25 PATIENCE IN WAITING OUTSIDE. WE'LL HAVE YOU SEATED

1 IN THIS CHAIR FACING ME RIGHT THERE. IF YOU'LL JUST
2 LEAVE IT JUST LIKE THAT AND HAVE A SEAT. THANK YOU
3 SO MUCH. AND IF YOU'LL RAISE YOUR RIGHT HAND.

4 * * * * *

5 THE WITNESS WAS DULY SWORN TO TELL THE TRUTH, THE
6 WHOLE TRUTH, AND NOTHING BUT THE TRUTH CONCERNING THE
7 MATTER HEREIN:

8 RAE H. WOOTEN,

9 BEING FIRST DULY SWORN, TESTIFIED ON HER OATH AS
10 FOLLOWS:

11 BY THE COMMISSIONER:

12 PLEASE STATE YOUR FULL NAME FOR THE RECORD.

13 BY THE WITNESS:

14 RAE H. WOOTEN.

15 BY THE COMMISSIONER:

16 THANK YOU SO MUCH. IS THAT W-O-O-T-E-N?

17 BY THE WITNESS:

18 CORRECT.

19 BY THE COMMISSIONER:

20 THANK YOU SO MUCH. MR. HUNDLEY.

21 DIRECT EXAMINATION BY MR. HUNDLEY:

22 Q. WE CERTAINLY APPRECIATE YOU BEING HERE, ESPECIALLY
23 WITH THE RECENT OCCURRENCES IN CHARLESTON. I
24 UNDERSTAND YOU HAVEN'T HAD MUCH SLEEP IN THE LAST 36
25 HOURS OR 48 HOURS. WHAT IS YOUR POSITION?

1 A. I'M THE CHARLESTON COUNTY CORONER.

2 Q. AND HOW LONG HAVE YOU DONE THAT?

3 A. I'VE BEEN INVOLVED IN THE CORONER'S OFFICE FOR 20
4 YEARS, AND I'VE BEEN THE CORONER FOR ABOUT EIGHT.

5 Q. OKAY. AND ARE YOU FAMILIAR WITH THE INCIDENT THAT
6 HAPPENED ON THE EVENING OF SEPTEMBER THE 8TH, 2014,
7 AND GOING INTO SEPTEMBER THE 9TH EARLY MORNING
8 HOURS?

9 A. YES.

10 Q. AND IT'S MY UNDERSTANDING AND IT'S BEEN STIPULATED
11 THAT TWO OFFICERS WERE DOWN, ONE KILLED, ONE
12 SEVERELY INJURED. IS THAT CORRECT?

13 A. CORRECT.

14 Q. I ALSO UNDERSTAND THAT THE FACTS INDICATE THAT THEY
15 MAY HAVE BEEN SHOT IN THE 7:00, 7:30, 8:00 RANGE,
16 BUT THE STANDOFF ACTUALLY LASTED, ACCORDING TO THE
17 RECORDS, UNTIL ABOUT 3:00 IN THE MORNING. IS THAT
18 CORRECT?

19 A. I WOULD ASSUME THAT THAT'S ACCURATE TIMES. IT WAS
20 VERY LONG.

21 Q. IN THE COURSE AND SCOPE OF YOUR JOB, CORONER, OVER
22 THE YEARS, ONE OF YOUR JOBS IS YOU ARE TRULY A FIRST
23 RESPONDER, AND YOU'VE BEEN AT THESE SCENES, CORRECT?

24 A. CORRECT.

25 Q. A LOT OF TRAGIC SCENES?

1 A. YES.

2 Q. OKAY. THE RECORDS REFLECT IT'S BEEN WELL OVER TEN
3 YEARS SINCE A CHARLESTON COUNTY OFFICER WAS KILLED
4 IN THE LINE OF DUTY; ARE YOU AWARE OF THAT?

5 A. I KNOW IT'S BEEN A VERY LONG TIME.

6 Q. CERTAINLY NOT DURING YOUR -- YOU'VE BEEN CORONER FOR
7 EIGHT YEARS, RIGHT?

8 A. CORRECT.

9 Q. OKAY. AND THE GIST OF THE CASE -- AND I THINK YOU
10 UNDERSTAND IT, AND CHARLESTON COUNTY UNDERSTANDS IT,
11 AND I THINK AS WE DEVELOP THE JUDGE WILL UNDERSTAND
12 IT -- ALL FIRST RESPONDERS BY NATURE RESPOND TO
13 EMERGENCIES, DON'T THEY?

14 A. YES.

15 Q. OKAY. MATTER OF FACT, THEY HAD A PRETTY BAD ONE A
16 COUPLE OF NIGHTS AGO, DIDN'T THEY?

17 A. YES.

18 Q. WHAT, IF ANYTHING, IS DIFFERENT ABOUT AN OFFICER
19 DOWN EMERGENCY? PLEASE TELL THE COMMISSIONER IN
20 YOUR OWN WORDS.

21 A. IN MY EXPERIENCE, HEARING THAT YOU HAVE AN OFFICER
22 DOWN NOT ONLY ELICITS CERTAIN CONCERNS ABOUT PEOPLE
23 THAT ARE COWORKERS AND OTHER FIRST RESPONDERS, BUT
24 FOR ME THAT -- THAT CAUSES ME IMMEDIATELY TO THINK
25 THAT WE HAVE A VERY VOLATILE, MORE VOLATILE AND

1 UNPREDICTABLE AND UNSTABLE SITUATION THAN IS EVEN
2 TYPICAL IN OTHER EMERGENCIES BECAUSE THAT
3 DEMONSTRATES A SPECIFIC LOSS -- SENSE OF LOSS OF
4 CONTROL POTENTIALLY BECAUSE WE TYPICALLY THINK OF
5 OUR LAW ENFORCEMENT OFFICERS AS BEING THOSE PEOPLE
6 WHO DO HELP TO MAINTAIN ORDER AND PUBLIC SAFETY AND
7 SO FORTH.

8 Q. AND THE RESPONSE INVOLVED IN AN OFFICER DOWN IS MUCH
9 MORE THAN THE NORMAL USUAL RESPONSE FOR THE OTHER
10 EMERGENCY RESPONDERS, CORRECT?

11 A. FROM MY PERSPECTIVE, YES. I FEEL -- THAT'S HOW I
12 FEEL.

13 Q. OKAY. ON THIS PARTICULAR NIGHT, THE RECORD
14 INDICATES WELL IN EXCESS OF 100 OFFICERS WERE ON AND
15 AROUND THE SCENE INVOLVING THIS SITUATION; IS THAT
16 CORRECT?

17 A. I WOULD THINK THAT'S APPROPRIATE, BUT, YOU KNOW --
18 CORRECT. I DON'T HAVE AN EXACT FIGURE, BUT I KNOW
19 MANY, MANY WERE THERE.

20 Q. AND I BELIEVE IN THE COURSE OF YOUR JOB OVER THE
21 YEARS YOU'RE FAMILIAR WITH, AS THEY CALL HIM, CHIEF
22 LARRY BRITTON?

23 A. YES.

24 Q. OKAY. AND YOU'RE AWARE THAT HIS JOB WAS IN THE
25 RADIO COMMUNICATIONS?

1 A. YES.

2 BY THE COMMISSIONER:

3 DO YOU KNOW HIS JOB DUTIES? COULD YOU TELL ME
4 WHAT HIS JOB DUTIES WERE?

5 BY THE WITNESS:

6 I DON'T KNOW HOW THEY'RE LISTED, BUT I KNOW IN
7 MY INTERACTION IN MY OFFICE WITH HIM IT HAD TO DO
8 WITH MAINTAINING THE 800 SYSTEM, OUR HANDHELD
9 RADIOS, OUR CAR RADIOS, THE WAY WE COMMUNICATE WITH
10 OTHER PEOPLE IN RESPONSE.

11 BY THE COMMISSIONER:

12 DO YOU KNOW WHETHER HE WORKED ALONE OR WITH
13 COWORKERS IN THE ROOM WITH HIM OR ANYTHING LIKE
14 THAT?

15 BY THE WITNESS:

16 I DON'T KNOW, EVEN THOUGH MY THOUGHTS WOULD BE
17 THAT IT MAY VARY FROM TIME TO TIME. BUT CERTAINLY
18 IN MY INTERACTIONS WITH HIM TYPICALLY HE WOULD BE
19 WORKING WITH ME IN MY CARS AND MY RADIOS AND MY
20 HANDHELDS.

21 BY THE COMMISSIONER:

22 WELL, I WAS TALKING ABOUT IN HIS ACTUAL BRICKS
23 AND MORTAR OFFICE.

24 BY THE WITNESS:

25 I DON'T -- DID NOT DEAL WITH HIM THERE.

1 BY THE COMMISSIONER:

2 OKAY. GO AHEAD, SIR.

3 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

4 Q. SINCE COMMUNICATION SEEMS TO BE THE ISSUE HERE, THE
5 COMMUNICATION SYSTEM THAT CHARLESTON COUNTY HAS NOW
6 IS NOT THE SAME AS IT HAD A FEW YEARS BACK. WHAT
7 OCCASIONED THAT?

8 A. WELL, I DON'T KNOW FOR A FACT. MY SUSPICION WOULD
9 BE -- I KNOW CERTAINLY THAT WE'RE ALWAYS DOING
10 BETTER AND EVOLVING AS A RESULT OF FREQUENTLY OTHER
11 SITUATIONS THAT DRIVE IMPROVEMENT. TRAGICALLY, I
12 WAS THE CORONER THAT RECOVERED THE NINE FIREFIGHTERS
13 AS WELL, AND WE LEARNED AN AWFUL LOT DURING THAT
14 TIME ABOUT COMMUNICATION AND HOW IT COULD HELP,
15 HINDER, IMPACT OUR RESPONSE.

16 Q. IT'S A VERY CRITICAL PART OF THE ENTIRE FIRST
17 RESPONDER ISSUE, ISN'T IT?

18 A. YES.

19 Q. OKAY. AND YOU'VE KNOWN LARRY FOR A NUMBER OF YEARS?

20 A. YES.

21 Q. OKAY. AND YOU KNEW HIM TO BE CONCERNED AND INVOLVED
22 WITH ALL OF THE FIRST RESPONDERS?

23 A. YES.

24 Q. IN KNOWING LARRY AND BEING FAMILIAR WITH HIM
25 PROFESSIONALLY AS YOU WERE, WOULD YOU AND THE OTHER

1 MEMBERS OF THE FIRST RESPONDER COMMUNITY BE AT A
2 HEIGHTENED AND MORE INTENSE LEVEL OF RESPONSE
3 BECAUSE IT WAS AN OFFICER DOWN?

4 A. YES.

5 Q. AND I THINK THERE'S SOME EVENT TO TRY AND PORTRAY
6 THIS THAT ONCE THE OFFICER WAS SHOT IT WAS OVER.
7 THAT'S REALLY NOT THE SITUATION, IS IT?

8 A. IT -- IT WASN'T, PARTICULARLY FROM MY PERSPECTIVE
9 BECAUSE I REPRESENT ALL THE DECEDENTS. SO I ALSO
10 REPRESENT THE SHOOTER IN THAT CASE.

11 Q. AND THE RECORDS INDICATE THAT THEY DIDN'T ACTUALLY
12 ENTER THAT ROOM -- THE STANDOFF LASTED FOR ALMOST
13 NINE HOURS?

14 A. YES.

15 Q. IS THAT SOMETHING YOU NORMALLY OR USUALLY ENCOUNTER
16 IN YOUR JOB AS PART OF THE FIRST RESPONDERS OF
17 CHARLESTON COUNTY?

18 A. THAT IS NOT TYPICAL, THOUGH IT OBVIOUSLY DOES OCCUR
19 IN VARIOUS SITUATIONS, AND IN THAT ONE IT WAS THE
20 SITUATION.

21 Q. AND ON THIS PARTICULAR NIGHT WITH ALL THE PEOPLE
22 INVOLVED, THE LONG STANDOFF, TWO OFFICERS DOWN,
23 WHICH HASN'T BEEN DONE IN QUITE SOME TIME, WERE
24 COMMUNICATIONS ABSOLUTELY CRITICAL TO THE SAFETY AND
25 THE SUCCESS OF ANY OF THE RESPONSIBILITIES OF THE

1 FIRST RESPONDERS?

2 A. YES.

3 Q. AND THE MAN RESPONSIBLE FOR THAT WAS ALONE IN A ROOM
4 AT THE COMMUNICATIONS CENTER?

5 A. I WAS NOT AWARE OF WHERE HE WAS AT THAT TIME, BUT I
6 UNDERSTAND THAT WAS THE CASE.

7 Q. OKAY. WELL, LET ME ASK YOU THIS. WHAT WOULD HAPPEN
8 IN THAT SITUATION IF SOMETHING WASN'T SET UP
9 PROPERLY OR THE COMMUNICATIONS SYSTEM WENT AWRY AND
10 WENT DOWN?

11 A. WHAT WOULD HAPPEN; IS THAT THE QUESTION?

12 Q. WHAT WOULD BE THE EMOTIONAL STATE AND WHAT WOULD BE
13 THE SITUATION PRACTICALLY IN THAT SITUATION THAT
14 NIGHT WITH AN OFFICER DOWN, ANOTHER OFFICER KILLED,
15 AND A NINE HOUR STANDOFF?

16 A. PRACTICALLY, IT WOULD IMPACT, I BELIEVE, NEGATIVELY
17 ALL OF THE RESPONSES, THE PLANNING, THE EXECUTION OF
18 THOSE PLANS. AND EMOTIONALLY, OF COURSE, WHEN
19 YOU'RE IN SUCH A SITUATION IT'S CRITICAL THAT ALL
20 THOSE THINGS BE IN PLACE AND WORK. THE FACT -- IF
21 THEY'RE NOT WORKING, EMOTIONALLY THAT'S VERY
22 STRESSFUL. IT'S FRIGHTENING AND STRESSFUL.

23 Q. OKAY. AND AS CORONER YOU'RE FAMILIAR WITH DEATHS
24 AND CAUSES OF DEATH, CORRECT?

25 A. CERTAINLY.

1 Q. AND YOU REVIEWED THE MEDICAL CAUSATION ENTERED INTO
2 EVIDENCE IN THIS CASE OF A DR. WILLIAM WILSON, WHO
3 NOT ONLY IS A LONGTIME FAMILY DOCTOR BUT ALSO THE
4 DOCTOR FOR SAINT JOHN'S FIRE DEPARTMENT? ARE YOU
5 FAMILIAR WITH HIM?

6 A. YES.

7 Q. OKAY. AND DID YOU AGREE WITH HIS OPINION THAT
8 LARRY'S HEART ATTACK SUFFERED AT WORK WAS AS A
9 RESULT OF THE UNUSUAL OR EXCEPTIONAL CONDITIONS OF
10 EMPLOYMENT INCREASING THE STRESS AND RESULTING IN A
11 HEART ATTACK? DO YOU AGREE WITH THAT MEDICAL
12 CONCLUSION OF DR. WILSON?

13 A. I CERTAINLY THINK THAT THAT IS A VERY REASONABLE
14 EXPLANATION AND EXPECTATION BASED ON HIS MEDICAL
15 HISTORY AND THE KNOWN STRESS, THAT THAT VERY WELL IS
16 A VERY, VERY REASONABLE EXPLANATION FOR HIS DEATH
17 CAUSE.

18 Q. WELL, YOU KNOW LARRY'S A BIG GUY. NO REAL RECORD OF
19 ANY PRIOR HEART PROBLEM, BUT HE WAS A DIABETIC.
20 THAT WOULD HAVE CONTRIBUTED TO LONG HOURS AND STRESS
21 AND LACK OF FLUID AND WHATEVER, RIGHT?

22 BY THE COMMISSIONER:

23 WE'VE GOT TO GO OFF THE RECORD.

24 (OFF THE RECORD)

25 BY THE COMMISSIONER:

1 WE'RE BACK ON THE RECORD. THANK YOU.

2 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

3 Q. DO YOU AGREE WITH DR. WILSON'S CONCLUSIONS THAT
4 YOU'VE REVIEWED?

5 A. I DO.

6 BY MR. HUNDLEY:

7 ALL RIGHT. THANK YOU. PLEASE ANSWER ANY
8 QUESTIONS THE COMMISSIONER OR MR. WOOD HAS FOR YOU.

9 BY THE COMMISSIONER:

10 MR. WOOD?

11 BY MR. WOOD:

12 THANK YOU, COMMISSIONER.

13 CROSS EXAMINATION BY MR. WOOD:

14 Q. CORONER, THANK YOU FOR COMING TODAY, AND WE
15 CERTAINLY APPRECIATE YOUR LONGTIME SERVICE TO THE
16 COUNTY, WHICH I KNOW YOU'VE BEEN WORKING A LOT
17 LATELY, SO WE APPRECIATE YOU MAKING THE TRIP UP HERE
18 TODAY. FIRST OF ALL, I THINK THE COMMISSIONER KNOWS
19 THIS, BUT JUST FOR THE RECORD, YOU ARE AN ELECTED
20 OFFICIAL, CORRECT?

21 A. THAT'S CORRECT.

22 Q. OKAY. YOU'RE ELECTED COUNTY WIDE EVERY FOUR YEARS?

23 A. EVERY FOUR YEARS.

24 Q. OKAY. AND YOU'VE BEEN THE CORONER SINCE?

25 A. RIGHT THIS MOMENT THE YEAR ESCAPES ME. I COMPLETED

1 AN UNFULFILLED TERM. THE CORONER -- MY PREDECESSOR
2 RESIGNED MIDTERM. I WAS APPOINTED. SINCE THAT TIME
3 I'VE BEEN ELECTED TWICE.

4 Q. OKAY. GREAT. AND JUST SORT OF A LITTLE TIDBIT FOR
5 THOSE OF US IN THE WORKERS' COMP BUSINESS, YOU
6 ACTUALLY -- AT ONE TIME, I THINK YOU TOLD ME, YOU
7 WORKED FOR CRAWFORD AND COMPANY AS A NURSE CASE
8 MANAGER; IS THAT CORRECT?

9 A. THAT'S CORRECT. I AM A REGISTERED NURSE, AND I WAS
10 EMPLOYED BEFORE I WORKED IN THE CORONER'S OFFICE FOR
11 CRAWFORD AND COMPANY FOR ABOUT A YEAR.

12 Q. AND I THINK YOU INDICATED NOT ONLY A NURSE BUT A
13 FORENSIC NURSE; IS THAT CORRECT? SOME TRAINING IN
14 THAT REGARD?

15 A. DURING MY TIME WITH CRAWFORD AND COMPANY, I DOUBT
16 THAT WAS CONSIDERED FORENSIC NURSING, BUT THE WORK I
17 DO NOW AND HAVE FOR THESE 20 YEARS IS CONSIDERED
18 FORENSIC NURSING.

19 Q. THANK YOU. AND THE CORONER'S OFFICE, AS WE
20 UNFORTUNATELY KNOW HERE TODAY, IS INVOLVED IN THE
21 FIELD OF EMERGENCY RESPONSE; IS THAT FAIR TO SAY?

22 A. YES.

23 Q. OKAY. AND YOU'RE INVOLVED IN THAT BECAUSE
24 EMERGENCIES UNFORTUNATELY INVOLVE CERTAIN TIMES LOSS
25 OF LIFE; IS THAT CORRECT?

1 A. CERTAINLY.

2 Q. OKAY. AND IN ADDITION TO LOSS OF LIFE OR THREAT OF
3 LOSS OF LIFE, EMERGENCY CIRCUMSTANCES OR EMERGENCY
4 RESPONSE, JUST UNDER THE GENERAL UMBRELLA OF THAT,
5 INVOLVES THREAT TO LIFE, HUMAN LIFE, SERIOUS INJURY,
6 OR SERIOUS THREAT TO PROPERTY; IS THAT CORRECT?

7 A. YES.

8 Q. YOU WOULD AGREE WITH THAT WHEN WE TALK ABOUT
9 EMERGENCY RESPONSE, THE WORD EMERGENCY?

10 A. RIGHT.

11 Q. OKAY. AND WHEN WE SPOKE A COUPLE WEEKS AGO, YOU
12 WERE KIND ENOUGH TO SIT DOWN WITH ME FOR A BRIEF
13 PERIOD OF TIME AND TALK ABOUT YOUR INVOLVEMENT IN
14 THE CASE. BUT YOU AGREE WITH ME THAT EMERGENCIES IN
15 AND OF THEMSELVES, NO TWO EMERGENCIES ARE GOING TO
16 BE THE SAME; IS THAT A FAIR STATEMENT?

17 A. YES.

18 Q. OKAY. SO, EMERGENCIES, CERTAIN EMERGENCIES MAY
19 SHARE CHARACTERISTICS WITH OTHER EMERGENCIES, BUT
20 ALL OF THEM ARE GOING TO HAVE DIFFERENT FACTS AND
21 CIRCUMSTANCES. WOULD YOU AGREE WITH THAT?

22 A. YES.

23 Q. OKAY. ALL RIGHT. AND WHAT THOSE FACTS AND
24 CIRCUMSTANCES ARE, IT'S REALLY IMPOSSIBLE TO
25 PREDICT; IS THAT CORRECT?

1 A. YES.

2 Q. OKAY. AND I THINK I'M STATING THE OBVIOUS, BUT
3 OBVIOUSLY YOU KNOW THIS FROM YOUR DAILY WORK;
4 EMERGENCIES DON'T OCCUR DURING BUSINESS HOURS MONDAY
5 THROUGH FRIDAY, DO THEY?

6 A. NO, THEY DO NOT.

7 Q. THEY OCCUR AT ALL TIMES OF THE DAY, ALL TIMES OF THE
8 WEEK, ALL TIMES OF THE YEAR?

9 A. YES.

10 Q. OKAY. I THINK YOU -- AND YOU TOLD ME -- I WROTE
11 THIS DOWN AND I ASKED YOU WHEN I INTERVIEWED YOU
12 BECAUSE I WANTED TO MAKE SURE, BUT YOU -- IN
13 DESCRIBING AT LEAST YOUR ROLE AND YOUR OFFICE'S ROLE
14 IN EMERGENCIES OR EMERGENCY RESPONSE, THE QUOTE I
15 WROTE DOWN IS THAT YOUR WORLD IS BUILT ON INNATE
16 STRESS AND ANXIETY?

17 A. IT IS BY VIRTUE OF THE KIND OF WORK I DO.

18 Q. OKAY. AND, SPECIFICALLY, YOU OBVIOUSLY DEAL WITH
19 UNFORTUNATE DEATHS AND SO FORTH, BUT THAT WOULD BE
20 INCLUDED IN THE FIELD OF THE CORONER'S ROLE IN
21 EMERGENCY RESPONSE?

22 A. YES.

23 Q. OKAY. DO YOU AGREE WITH ME THAT EMERGENCY RESPONSE
24 IS A CORE FUNCTION OF CHARLESTON COUNTY GOVERNMENT?

25 A. YES.

1 Q. IT'S A CORE FUNCTION OF THE CHARLESTON COUNTY
2 CORONER'S OFFICE?

3 A. YES.

4 Q. AND I THINK YOU'VE TESTIFIED, AND WE'VE GOT THE
5 SHERIFF'S DEPOSITION TESTIMONY IN AS WELL, BUT THE
6 RADIO COMMUNICATIONS DEPARTMENT IN PARTICULAR IS
7 PROVIDING SUPPORT SERVICES IN THE FIELD OF EMERGENCY
8 RESPONSE, IS THAT RIGHT?

9 A. YES.

10 Q. AND WOULD YOU CONSIDER THAT TO BE A CORE FUNCTION OF
11 COUNTY GOVERNMENT?

12 A. YES.

13 Q. IT'S INTEGRAL AND NECESSARY TO DEALING WITH
14 EMERGENCY SCENES?

15 A. YES.

16 Q. AND YOU WOULD AGREE WITH ME THAT WHEN AN EMERGENCY
17 SCENE OCCURS -- AND WE'VE TALKED ABOUT THE DIFFERING
18 CIRCUMSTANCES AND FACTS FROM ONE SITUATION TO THE
19 NEXT, BUT -- AND I THINK I ASKED YOU ABOUT THIS WITH
20 THE INHERENT OR THE INNATE STRESS AND ANXIETY
21 STATEMENT THAT YOU HAD MADE, BUT THERE IS -- WHAT
22 GOES ALONG WITH EMERGENCY RESPONSE WHEN YOU'RE
23 INVOLVED IN IT IS A HEIGHTENED SENSE OF ALERT?

24 A. YES.

25 Q. A HEIGHTENED SENSE OF STRESS?

1 A. YES.

2 Q. A HEIGHTENED SENSE OF ANXIETY?

3 A. YES.

4 Q. THAT'S PART OF THE JOB; FAIR?

5 A. YES.

6 Q. A STANDARD OR NECESSARY CONDITION OF THE JOB,
7 CORRECT?

8 A. YES.

9 Q. NOW, LET'S TALK ABOUT THE PARTICULAR EVENING IN
10 QUESTION. AND MRS. BRITTON HAS TESTIFIED AND I
11 DON'T THINK THERE'S ANY DISPUTE WHATSOEVER, BUT
12 WE'RE TALKING ABOUT THE EVENING -- OR BEGINNING ON
13 THE EVENING OF MONDAY, SEPTEMBER 8 OF 2014, GOING
14 INTO THE EARLY MORNING HOURS OF TUESDAY, SEPTEMBER
15 9, 2014. IS THAT YOUR RECOLLECTION?

16 A. YES.

17 Q. OKAY. AND I DON'T THINK THERE'S ANY DISPUTE
18 WHATSOEVER CONCERNING THE LOCATION OF THE EMERGENCY
19 INCIDENT, IT BEING 1840 CARRIAGE LANE, AT THE GARDEN
20 APARTMENTS, WHICH IS IN THE WEST ASHLEY AREA OF
21 CHARLESTON; IS THAT ---

22 A. YES.

23 Q. OKAY. DO YOU RECALL WHAT -- TAKE ME THROUGH YOUR
24 INVOLVEMENT. I'M ASSUMING THAT YOU WERE ALERTED TO
25 WHAT WAS GOING ON AND RESPONDED ACCORDINGLY?

1 A. YES. I WAS MADE AWARE. I DID RESPOND. I HAD
2 ADDITIONAL RESPONSE FROM MY CHIEF DEPUTY BECAUSE WE
3 HAD RECEIVED WORD THAT WE HAD HAD AN OFFICER-
4 INVOLVED SHOOTING. ONE WAS TRANSPORTED TO THE
5 HOSPITAL. WELL, ACTUALLY, BOTH WERE TRANSPORTED TO
6 THE HOSPITAL. AND THAT THERE WAS INVOLVING
7 POTENTIALLY A SUSPECT IN THE SHOOTING STILL ON
8 SCENE, AND WE WERE NOT CERTAIN WHAT THAT WAS GOING
9 TO BECOME. I DISPATCHED MY CHIEF DEPUTY TO THE
10 HOSPITAL TO START TO DETERMINE THE CONDITIONS OF ONE
11 DEPUTY WHO HAD DIED, BUT THE CONDITION OF THE OTHER
12 DEPUTY, AND I RESPONDED TO THE INCIDENT LOCATION.

13 BY THE COMMISSIONER:

14 WHEN YOU GOT THE CALL ABOUT THIS WHOLE
15 INCIDENT, WERE YOU AT HOME, OR WHERE WERE YOU?

16 BY THE WITNESS:

17 YES.

18 BY THE COMMISSIONER:

19 OKAY.

20 CROSS EXAMINATION RESUMED BY MR. WOOD:

21 Q. AND DO YOU ---

22 BY MR. WOOD:

23 I'M SORRY, COMMISSIONER. I DIDN'T KNOW IF YOU
24 HAD A FOLLOW-UP QUESTION.

25 BY THE COMMISSIONER:

1 NO, NO, NO. GO AHEAD.

2 BY MR. WOOD:

3 OKAY.

4 CROSS EXAMINATION RESUMED BY MR. WOOD:

5 Q. CORONER, DO YOU RECALL WHAT TIME YOU EITHER GOT THE
6 CALL OR ARRIVED AT THE CARRIAGE LANE INCIDENT SCENE?

7 A. I DO NOT. UNFORTUNATELY, I DIDN'T BRING THAT FILE.

8 Q. OKAY. WE ASKED THE SHERIFF ABOUT THAT, AND WE ALSO
9 ASKED HIM A NUMBER OF QUESTIONS ABOUT THE VARIOUS
10 DEBRIEFING STATEMENTS HIS DEPUTIES HAVE GIVEN IN
11 CONNECTION WITH THEIR INCIDENT COMMANDER REPORT
12 ASSOCIATED WITH THIS OCCURRENCE. HE ALSO INDICATED
13 THAT THE CONSOLIDATED DISPATCH LOG WOULD BE A GOOD
14 IDENTIFIER AS TO THE TIME. DO YOU KNOW WHETHER THE
15 GUNFIRE EXCHANGE -- DO YOU KNOW WHAT TIME THAT
16 OCCURRED?

17 A. I DO NOT RECALL. I'M SURE IT'S REFLECTED IN MY
18 RECORDS OF THE INCIDENT. I DO NOT RECALL.

19 Q. WOULD THE 7:23 TO 8:00 TIME RANGE ---

20 A. IT'S PROBABLY WITHIN THE APPROPRIATE RANGE.

21 Q. AND IF THE RECORDS INDICATE THAT DEPUTY MATUSKOVIC
22 WAS PRONOUNCED DEAD AT MUSC AT 8:37 P.M. ---

23 A. SEEMS TO BE APPROPRIATE FROM WHAT I CAN RECALL.

24 Q. GIVEN THE GEOGRAPHY AND THE CIRCUMSTANCES, 7:20 TO
25 8:00 SOUNDS RIGHT?

1 A. CERTAINLY.

2 Q. OKAY. WHATEVER TIME IT WAS YOU ARRIVED, WHEN YOU
3 ARRIVED HAD THE WOUNDED DEPUTIES BEEN REMOVED FROM
4 THE SCENE?

5 A. YES.

6 Q. OKAY. UPON YOUR ARRIVAL, DID YOU STAY ON THE SCENE
7 UNTIL THE CONCLUSION OF THE STANDOFF?

8 A. I DID.

9 Q. OKAY. WAS THERE ANY MORE GUNFIRE EXCHANGED DURING
10 THE REST OF THE STANDOFF?

11 A. AS I RECALL NONE THAT WE IDENTIFIED AS SUCH.

12 Q. OKAY. ALL RIGHT. AND EVENTUALLY SWAT TEAMS,
13 ROBOTS, ALL OF THAT WAS UTILIZED TO ASSAULT THE --
14 WHERE THE PERPETRATOR, FOR LACK OF A BETTER TERM, I
15 GUESS, THE DECEASED PERPETRATOR -- HE -- WAS HE
16 DECEASED WHEN YOU -- WHEN THE SHERIFF'S DEPARTMENT
17 OR WHICHEVER POLICE AGENCY WENT IN THE APARTMENT,
18 WAS HE ALREADY DEAD?

19 A. AT THE TIME THEY MADE ENTRY HE WAS, BUT THERE WAS A
20 LOT LEADING UP TO DETERMINE ENTRY AND SO FORTH
21 BEFORE THEY ACTUALLY -- WHEN THEY DID, IN FACT,
22 ENTER THEY FOUND HIM DECEASED.

23 Q. OKAY. AND DO YOU KNOW WHAT WAS CONCLUDED INSOFAR AS
24 WHETHER HE WAS KILLED DURING THE GUNFIRE EXCHANGE
25 BETWEEN THE 7:20 P.M. AND 8:00 HOUR THAT WE

1 DISCUSSED EARLIER?

2 A. YES.

3 Q. THAT WAS THE CASE?

4 A. YES.

5 Q. OKAY. AT ANY TIME -- YOU KNEW MR. BRITTON, I GUESS,
6 PERSONALLY AND YOU ALL WERE ACQUAINTANCES?

7 A. YES.

8 Q. OKAY. AT ANY TIME THAT EVENING WAS MR. BRITTON ON
9 THE CARRIAGE LANE EMERGENCY SCENE?

10 A. I DID NOT SEE HIM, BUT I DO NOT KNOW FOR CERTAIN
11 WHETHER HE WAS OR WAS NOT.

12 Q. DO YOU KNOW WHO THE REPRESENTATIVE OF THE RADIO
13 COMMUNICATIONS DEPARTMENT WAS THAT MAY HAVE BEEN ON
14 THE SCENE THAT NIGHT?

15 A. I DO NOT.

16 Q. OKAY. MR. HUNDLEY ASKED YOU A NUMBER OF QUESTIONS
17 ABOUT THE POTENTIAL CONSEQUENCES OF MALFUNCTIONING
18 OR NOT PROPERLY WORKING RADIO COMMUNICATIONS WHEN
19 YOU HAVE AN EMERGENCY RESPONSE. YOU TESTIFIED
20 CONCERNING THAT. ON THIS PARTICULAR EVENING, DO YOU
21 KNOW WHETHER THERE WERE ANY PROBLEMS WITH THE RADIO
22 COMMUNICATIONS NETWORK IN TERMS OF MAINTAINING OPEN
23 COMMUNICATION?

24 A. I DO NOT.

25 Q. YOU DON'T RECALL ANYTHING TO THE CONTRARY?

1 A. NOT THAT I'M AWARE OF.

2 Q. OKAY. ALL RIGHT. SO YOU'RE NOT -- YOU CAN'T SAY
3 THAT THERE WAS ANY PROBLEM; YOU DON'T KNOW?

4 A. I DON'T KNOW.

5 Q. OKAY. AND AS FAR AS YOU KNOW, TO THE EXTENT THE
6 CORONER'S OFFICE RELIES ON THE RADIO COMMUNICATIONS
7 DEPARTMENT'S SUPPORT IN THAT SITUATION, YOU DIDN'T
8 HAVE ANY PROBLEMS?

9 A. NO, I DID NOT.

10 Q. OKAY. NOW, WITH MR. BRITTON IN PARTICULAR, DO YOU
11 KNOW WHAT TIME HE ACTIVATED INSOFAR AS EXECUTING THE
12 RADIO COMMUNICATION DEPARTMENT'S EMERGENCY PROTOCOL?

13 A. I DO NOT.

14 Q. DO YOU KNOW WHETHER THE RADIO COMMUNICATIONS
15 DEPARTMENT HAS AN EMERGENCY PROTOCOL?

16 A. I BELIEVE THEY DO, BUT I COULD NOT GIVE YOU ANY
17 DEFINITIVE INFORMATION ABOUT THAT.

18 Q. DO YOU KNOW WHETHER EMERGENCY RESPONSE 24/7 IS A
19 STATED AND DISCLOSED COMPONENT OF BOTH POSITIONS MR.
20 BRITTON HAD WITH THE RADIO COMMUNICATIONS DEPARTMENT
21 DURING HIS TENURE?

22 A. I DO NOT KNOW, BUT I WOULD BELIEVE THAT IT WOULD BE
23 BASED ON OUR -- WE'RE ALWAYS PREPARING FOR EMERGENCY
24 RESPONSES.

25 Q. THE COUNTY -- ALL THE VARIOUS AGENCIES OR

1 DEPARTMENTS OR OFFICES WITHIN THE COUNTY -- AND THE
2 SHERIFF CORRECTED ME THAT IT'S THE SHERIFF'S OFFICE,
3 NOT THE SHERIFF'S DEPARTMENT. BUT WITHIN THE COUNTY
4 STRUCTURE THAT'S SOMETHING THAT'S UNDER CONSTANT
5 PREPARATION?

6 A. YES.

7 Q. OKAY. THAT'S WHAT YOU PLAN FOR?

8 A. IT IS.

9 Q. AND UNFORTUNATELY THAT'S WHAT YOU HAVE TO DEAL WITH
10 ON OCCASION?

11 A. YES.

12 Q. I THINK MR. HUNDLEY ASKED YOU, BUT YOU DON'T HAVE
13 ANY SPECIFIC OR DIRECT KNOWLEDGE AS TO -- AS TO WHAT
14 MR. BRITTON WAS ACTUALLY DOING ON THE NIGHT IN
15 QUESTION?

16 A. I DO NOT.

17 Q. YOU INDICATED YOU DON'T KNOW WHAT TIME HE ACTIVATED?

18 A. I DO NOT.

19 Q. YOU DON'T KNOW SPECIFICALLY HOW THEIR ACTIVATION GOT
20 STARTED, WHAT PRECIPITATED THE RADIO COMMUNICATIONS

21 ---

22 A. I DO NOT.

23 Q. --- ACTIVATION THAT NIGHT?

24 A. I DO NOT.

25 Q. OKAY. AND YOU DON'T KNOW WHAT HE WAS DOING DURING

1 THE COURSE OF THE EVENING?

2 A. I DO NOT.

3 Q. YOU DON'T KNOW WHAT HE WAS SUPPOSED TO BE DOING
4 DURING THE COURSE OF THE EVENING?

5 A. OTHER THAN GENERALLY WORKING IN THE AREAS OF
6 MAINTAINING AND SUPPORTING COMMUNICATIONS, NO.

7 Q. OKAY. ALL RIGHT. AND YOU DON'T KNOW WHETHER HE
8 ENCOUNTERED ANY PROBLEMS?

9 A. I DO NOT.

10 Q. OKAY. AND YOU DON'T HAVE ANYTHING TO INDICATE OR
11 ANY KNOWLEDGE TO INDICATE THAT THE RADIO
12 COMMUNICATIONS SYSTEM DIDN'T FUNCTION AS PLANNED
13 THAT EVENING?

14 A. I DO NOT HAVE KNOWLEDGE OF THAT.

15 BY MR. WOOD:

16 BEAR WITH ME ONE SECOND.

17 BY THE COMMISSIONER:

18 YES, SIR.

19 CROSS EXAMINATION RESUMED BY MR. WOOD:

20 Q. OH, I ASKED YOU ABOUT -- WE TALKED ABOUT THE
21 TRAINING. ARE YOU AWARE WHETHER THE RADIO
22 COMMUNICATIONS DEPARTMENT EMPLOYEES, SUCH AS MR.
23 BRITTON, UNDERGO TRAINING TO EXECUTE THEIR EMERGENCY
24 PROTOCOL?

25 A. AGAIN, BASED ON COUNTYWIDE POLICY, I WOULD ASSUME

1 THEY ARE, BUT I DO NOT -- I'M NOT KNOWLEDGEABLE
2 ABOUT THEIR SPECIFIC TRAINING.

3 Q. AND ONE OF THE OTHER QUOTES I WROTE DOWN FROM OUR
4 MEETING A COUPLE WEEKS AGO WAS DRILL IT OR LOSE IT.
5 THAT'S WHAT YOU INDICATED TO ME WHEN WE WERE TALKING
6 ABOUT TRAINING PREPARATION AND SO FORTH. CAN YOU
7 EXPLAIN THAT COMMENT? YOU NEED TO -- YOU HAVE TO
8 PREPARE FOR TO BE ABLE TO EXECUTE UNDER EMERGENCY
9 CIRCUMSTANCES; IS THAT FAIR?

10 A. WE ALWAYS PROBABLY IN ANTICIPATION OF WHAT WE KNOW
11 CAN HAPPEN -- WHETHER IT'S NATURAL DISASTER OR
12 MANMADE INCIDENTS, WE'RE AWARE THAT THOSE ARE
13 UNUSUAL CIRCUMSTANCES, AND BECAUSE WE UNDERSTAND
14 THEY'RE UNUSUAL IT'S NECESSARY THAT WE PREPARE FOR
15 THOSE, AND SO WE TYPICALLY DRILL ON MANY KINDS OF
16 THINGS, DIFFERENT LEVELS OF DRILL LOCALLY,
17 STATEWIDE, NATIONALLY BECAUSE WE RECOGNIZE THERE ARE
18 NOT USUAL TIMES AND USUAL CIRCUMSTANCES. SO WE
19 DRILL TO PREPARE FOR THOSE AND -- AND WE REVIEW THAT
20 REGULARLY BECAUSE -- AND I DON'T RECALL THE QUOTE
21 YOU, YOU KNOW, ASSIGNED TO ME. I DON'T DOUBT IT.
22 BUT IT WOULD MAKE SENSE THAT WE WOULD DRILL BECAUSE
23 WE KNOW WE DON'T FUNCTION IN THOSE ROLES EVERY DAY.
24 HENCE, DRILLING IS A WAY TO SORT OF STAY CURRENT AND
25 BE REMINDED AND TO SORT OF BE PREPARED SHOULD THE

1 OCCASION ARISE.

2 Q. AND THAT'S REALLY INHERENT IN THE FIELD OF EMERGENCY
3 RESPONSE, IS THAT YOU'RE GOING TO ENCOUNTER UNUSUAL
4 AND EXTRAORDINARY CIRCUMSTANCES, CORRECT?

5 A. YES.

6 Q. THAT'S WHAT IT'S ABOUT, CORRECT?

7 A. IT IS.

8 Q. OKAY. YOU KNEW MR. BRITTON, I THINK, FOR A LENGTHY
9 PERIOD OF TIME, YOU TESTIFIED ON DIRECT, IF I'M NOT
10 MISTAKEN?

11 A. UH-HUH.

12 Q. YOU MAY NOT BE FAMILIAR WITH ALL OF HIS PRIOR WORK
13 EXPERIENCE, TRAINING, INVOLVEMENT AS A STATE
14 CONSTABLE, THE RESCUE SQUAD, DMAT FOR THE FEDERAL
15 GOVERNMENT. BUT ONE OF THE OTHER THINGS WE TALKED
16 ABOUT WHEN MET A COUPLE OF WEEKS AGO WAS WHILE YOU
17 MIGHT NOT BE FAMILIAR WITH ALL HIS SPECIFIC
18 CERTIFICATIONS, YOU FELT THAT BASED UPON HIS
19 TRAINING AND EXPERIENCE THAT HE WAS THE TYPE OF
20 INDIVIDUAL THAT WAS QUALIFIED TO DEAL WITH ANY
21 EMERGENCY CIRCUMSTANCE, FROM THE MOST MINOR TO THE
22 MOST SEVERE?

23 A. YES.

24 BY MR. WOOD:

25 THANK YOU, CORONER. I APPRECIATE YOUR TIME.

1 BY THE COMMISSIONER:

2 MR. HUNDLEY, ANYTHING ON REDIRECT, SIR?

3 BY MR. HUNDLEY:

4 BRIEFLY.

5 BY THE COMMISSIONER:

6 OKAY.

7 REDIRECT EXAMINATION BY MR. HUNDLEY:

8 Q. MR. WOOD ASKED YOU PART OF THE JOB OF EMERGENCY
9 RESPONDERS IS TO FACE ANY SORT OF EMERGENCIES WITH
10 ANY SORT OF UNUSUAL OR EXTRAORDINARY EVENTS THAT MAY
11 OCCUR, CORRECT?

12 A. THAT'S CORRECT.

13 Q. OKAY. IN THIS PARTICULAR CASE -- AND THAT'S NORMAL,
14 RIGHT? THAT'S NORMALLY WHAT YOU DO AS AN EMERGENCY
15 RESPONDER? YOU RESPOND ---

16 A. YES.

17 Q. WITH THE TWO OFFICERS DOWN AND THE SITUATION THAT
18 OCCURRED THIS NIGHT, WAS THAT THE NORMAL EMERGENCY
19 THAT YOU'RE USED TO FACING?

20 A. NO.

21 BY MR. HUNDLEY:

22 THANK YOU. THAT'S ALL I'VE GOT.

23 BY THE COMMISSIONER:

24 ALL RIGHT. MR. WOOD, ANY ---

25 RECROSS EXAMINATION BY MR. WOOD:

1 Q. JUST ONE QUESTION. WAS THE SITUATION WHICH OCCURRED
2 NIGHT BEFORE LAST A NORMAL EMERGENCY?

3 A. NO.

4 BY MR. WOOD:

5 THANK YOU, CORONER.

6 BY MR. HUNDLEY:

7 YEAH, IF YOU WANT TO GO THERE.

8 REDIRECT EXAMINATION BY MR. HUNDLEY:

9 Q. IT SURE WASN'T, WAS IT?

10 A. NO, IT WAS NOT.

11 Q. OKAY. AND HOW MANY TIMES HAVE PEOPLE BEEN SHOT IN
12 THE LINE OF DUTY IN CHARLESTON COUNTY? IT'S BEEN
13 MORE THAN TEN YEARS SINCE YOU'VE BEEN HERE, RIGHT?

14 A. WELL, THE NUMBER OF INCIDENTS THAT HAVE OCCURRED AND
15 -- ARE YOU TALKING ABOUT OFFICERS OR ---

16 Q. OFFICERS DOWN.

17 A. RIGHT. I DON'T HAVE THE EXACT NUMBER, BUT IT'S BEEN
18 A LONG TIME SINCE WE'VE HAD A FATAL SHOOTING OF AN
19 OFFICER.

20 Q. SO IT ISN'T A NORMAL EMERGENCY, IS IT? AND THEN HE
21 WANTS TO REFER TO THE UNBELIEVABLE OCCURRENCE WITH
22 NINE PEOPLE MURDERED AT THE CHURCH, ONE A STATE
23 SENATOR. THAT'S NOT A NORMAL EMERGENCY EITHER, IS
24 IT?

25 A. NO, IT'S NOT.

1 BY MR. HUNDLEY:

2 THANK YOU.

3 BY THE COMMISSIONER:

4 ALL RIGHT. MR. WOOD?

5 BY MR. WOOD:

6 NOTHING FURTHER.

7 BY THE COMMISSIONER:

8 ALL RIGHT. THANK YOU. CAN WE EXCUSE THE
9 CORONER?

10 BY MR. WOOD:

11 AS FAR AS I'M CONCERNED; YES, MA'AM.

12 BY MR. HUNDLEY:

13 MAY SHE BE EXCUSED? SHE'S ABSOLUTELY JUST
14 WONDERFUL TO COME TODAY, BUT SHE'S, OBVIOUSLY, GOT A
15 LOT OF RESPONSIBILITIES.

16 BY THE COMMISSIONER:

17 WE APPRECIATE IT, AND I KNOW YOU HAVE MANY
18 OTHER THINGS TO DO. THANK YOU FOR YOUR TIME.

19 BY THE WITNESS:

20 THANK YOU.

21 BY THE COMMISSIONER:

22 ALL RIGHT, MR. HUNDLEY, YOUR NEXT WITNESS, SIR?

23 BY MR. HUNDLEY:

24 DR. SHEALY.

25 (OFF THE RECORD)

1 BY THE COMMISSIONER:

2 HELLO, DR. SHEALY. WE APPRECIATE YOUR PATIENCE
3 IN WAITING. IF YOU'LL COME HAVE A SEAT IN THIS
4 CHAIR ALL THE WAY ACROSS THE ROOM THAT'S FACING ME,
5 AND IF YOU'LL LEAVE IT LIKE THAT, AND ONCE YOU GET
6 SEATED AND SITUATED -- IF YOU'LL TURN IT BACK,
7 PLEASE. IF YOU'LL TURN IT BACK THE WAY IT WAS.

8 BY MR. HUNDLEY:

9 OKAY. I'M SORRY. IT'S GOT WHEELS ON IT.

10 BY THE COMMISSIONER:

11 OKAY. THANK YOU SO MUCH. IF YOU'LL RAISE YOUR
12 RIGHT HAND. YOU'RE FINE SITTING DOWN, SIR. THANK
13 YOU SO MUCH. I APPRECIATE YOUR COURTESY.

14 * * * * *

15 THE WITNESS WAS DULY SWORN TO TELL THE TRUTH, THE
16 WHOLE TRUTH, AND NOTHING BUT THE TRUTH CONCERNING THE
17 MATTER HEREIN:

18 RALPH McKEETHA SHEALY,

19 BEING FIRST DULY SWORN, TESTIFIED ON HIS OATH AS
20 FOLLOWS:

21 BY THE COMMISSIONER:

22 PLEASE STATE YOUR FULL NAME FOR THE RECORD.

23 BY THE WITNESS:

24 RALPH McKEETHA SHEALY.

25 BY THE COMMISSIONER:

1 WOULD YOU PLEASE KINDLY SPELL YOUR MIDDLE NAME
2 FOR OUR COURT REPORTER.

3 BY THE WITNESS:

4 M-C CAPITAL K-E-E-T-H-A.

5 BY THE COMMISSIONER:

6 THANK YOU SO MUCH. PLEASE ANSWER ANY QUESTIONS
7 MR. HUNDLEY HAS FOR YOU.

8 DIRECT EXAMINATION BY MR. HUNDLEY:

9 Q. DR. SHEALY, COULD YOU PLEASE STATE FOR THE RECORD
10 YOUR CURRENT POSITION AND HOW YOU'RE EMPLOYED?

11 A. I AM EMPLOYED IN VARIOUS ROLES IN THE PUBLIC SAFETY
12 COMMUNITY WITH VARIOUS AGENCIES. I'M RETIRED FROM
13 MY FULL-TIME PROFESSION OF PRACTICING EMERGENCY
14 MEDICINE IN THE HOSPITAL AND DEVOTING FULL-TIME
15 ACTIVITY TO PUBLIC SAFETY ACTIVITIES. DO YOU WANT
16 ME TO ENUMERATE THOSE ROLES?

17 Q. WELL, JUST A LITTLE BIT SO THE COMMISSIONER WILL
18 KNOW WHAT YOUR QUALIFICATIONS ARE IN REGARDS TO
19 FIRST RESPONDERS AND EMERGENCY RESPONSES.

20 A. I'VE BEEN MEDICAL DIRECTOR FOR CHARLESTON COUNTY EMS
21 SINCE 1981. I'VE SHARED THAT ROLE WITH COLLEAGUES
22 IN VARIOUS PERIODS IN THAT TIME, AND I WAS AWAY FOR
23 ONE YEAR IN 1989 SERVING AS AN EMS PHYSICIAN IN
24 WASHINGTON STATE. I AM A VOLUNTEER MEDICAL DIRECTOR
25 FOR THE CHARLESTON COUNTY RESCUE SQUAD FOR MANY

1 YEARS. I AM A VOLUNTEER RESERVE DEPUTY WITH THE
2 CHARLESTON COUNTY SHERIFF'S OFFICE, SWORN FOR OVER
3 TEN YEARS. I AM MEDICAL DIRECTOR FOR THE TOWN OF
4 MOUNT PLEASANT FIRE DEPARTMENT MEDICAL PARAMEDIC
5 PROGRAM SINCE ITS INCEPTION ABOUT SEVEN OR EIGHT
6 YEARS AGO. I AM A VOLUNTEER CHIEF MEDICAL OFFICER
7 FOR AN ORGANIZATION CALLED SOUTHEASTERN MEDICAL
8 INTERNATIONAL, WHICH IS ENGAGED IN HUMANITARIAN --
9 GLOBAL HUMANITARIAN RESPONSE TO DISASTERS AND TO
10 SERVICE IN THIRD WORLD DEVELOPING COUNTRY
11 ENVIRONMENTS. I RECENTLY RETIRED FROM MY ROLE OF
12 MANY YEARS AS THE SENIOR PHYSICIAN FOR THE SOUTH
13 CAROLINA ONE DISASTER MEDICAL ASSISTANCE TEAM OF THE
14 U.S. GOVERNMENT NATIONAL DISASTER MEDICAL SYSTEM.
15 THOSE ARE THE PRIMARY THINGS THAT I'M DOING AT THIS
16 TIME.

17 BY THE COMMISSIONER:

18 THANK YOU, SIR. MR. HUNDLEY.

19 BY MR. HUNDLEY:

20 THANK YOU.

21 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

22 Q. OBVIOUSLY YOU'VE GOT A LOT OF EXPERIENCE WITH FIRST
23 RESPONDERS AND EMERGENCY RESPONSE; IS THAT CORRECT?

24 A. YES, SIR. YES, SIR.

25 Q. AND I BELIEVE THAT YOU WERE FAMILIAR WITH CHIEF

1 LARRY BRITTON, RIGHT?

2 A. YES, SIR.

3 Q. OKAY. AND ARE YOU FAMILIAR WITH THE CIRCUMSTANCES
4 SURROUNDING THE EVENING OF SEPTEMBER 8TH INTO THE
5 EARLY MORNING OF SEPTEMBER 9TH WHEN AN OFFICER WAS
6 KILLED AND ANOTHER OFFICER DOWN?

7 A. YES, SIR.

8 BY THE COMMISSIONER:

9 AND WHERE WERE YOU DURING THIS WHOLE EPISODE?

10 BY THE WITNESS:

11 I WAS IN MY VEHICLE WHEN I HEARD THE -- I CARRY
12 A WALKIE-TALKIE WITH ME AND LISTEN TO IT WHEN I'M
13 AWAKE THAT MONITORS THE SHERIFF'S OFFICE, CHARLESTON
14 COUNTY EMS, CHARLESTON COUNTY RESCUE, THE HOSPITAL
15 EMERGENCY DEPARTMENTS AND HELICOPTER SERVICES AND
16 VARIOUS OTHER ENTITIES. AND I MONITOR THOSE
17 FREQUENCIES, AND I WAS ON MY WAY HOME, AND I HEARD
18 THE CALL DISPATCHED, AND IT SOUNDED LIKE A ROUTINE
19 CALL UNTIL I ARRIVED HOME AND I HEARD A DEPUTY WHO I
20 KNEW, WHOSE VOICE WAS FAMILIAR TO ME, SAY THAT SHOTS
21 HAD BEEN FIRED AND AN OFFICER WAS DOWN. AND I
22 HADN'T YET GOTTEN OUT OF MY CAR. I -- MY CAR IS
23 EQUIPPED WITH LIGHTS AND SIRENS, COMMUNICATIONS AND
24 MEDICAL EQUIPMENT AND LAW ENFORCEMENT EQUIPMENT. I
25 DROVE TO -- FROM MY HOUSE IN MOUNT PLEASANT OVER

1 RAVENEL BRIDGE TO WEST ASHLEY AND ARRIVED THERE JUST
2 AS THE OFFICERS WERE BEING LOADED INTO THE AMBULANCE
3 AND IT WAS PULLING AWAY. I REALIZED THAT -- THAT
4 THE AMBULANCES WERE ALREADY IN MOTION, SO I TURNED
5 MY CAR AROUND AND FOLLOWED THEM TO THE TRAUMA CENTER
6 AT THE MEDICAL UNIVERSITY, WHERE I ENTERED THE
7 TRAUMA CENTER. I'M WELL KNOWN THERE. I FORMERLY
8 WAS THE DIRECTOR OF EMERGENCY SERVICES AT THE
9 MEDICAL UNIVERSITY. I HELPED PUT TOGETHER THAT
10 EMERGENCY DEPARTMENT. SO I WENT IN AND PARTICIPATED
11 IN THE CARE OF THE OFFICERS TO THE EXTENT THAT IT
12 WAS APPROPRIATE AND ALLOWABLE. WHEN IT BECAME CLEAR
13 THAT I COULD DO NOTHING FURTHER TO ASSIST THERE, I
14 RETURNED TO THE SCENE BY RUNNING EMERGENCY TRAFFIC
15 AND REPORTED TO THE COMMAND POST, WHERE I WAS
16 ASSIGNED TO PROVIDE MEDICAL SUPPORT TO THE CITY OF
17 CHARLESTON SWAT TEAM THAT HAD TAKEN OVER THE ENTRY
18 PROCESS AT THE SITE. I WAS THERE UNTIL IT BECAME
19 KNOWN THAT THERE WAS NO LONGER A THREAT, AT WHICH
20 TIME AN EMS OFFICIAL ADVISED ME IN MY ROLE AS
21 MEDICAL DIRECTOR FOR CHARLESTON COUNTY EMS THAT
22 LARRY BRITTON HAD BEEN TRANSPORTED IN CRITICAL
23 CONDITION TO THE -- TO THE MEDICAL UNIVERSITY
24 HOSPITAL, AND AT THAT TIME I REENTERED MY VEHICLE
25 AND RAN EMERGENCY TRAFFIC TO THE MEDICAL UNIVERSITY

1 AND ARRIVED IN THE ROOM WHERE LARRY'S FAMILY AND
2 MARTIN KRATZ WERE AWAITING WORD AND ARRIVED SHORTLY
3 AFTER THE DOCTORS HAD ANNOUNCED THAT LARRY WAS DEAD.
4 I PROCEEDED TO STAY THERE UNTIL THE FAMILY LEFT THE
5 HOSPITAL. AND THAT WAS MY INVOLVEMENT IN THE
6 INCIDENT.

7 BY THE COMMISSIONER:

8 THANK YOU, SIR. MR. HUNDLEY.

9 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

10 Q. I THINK YOU SAID WHEN THE COMMISSIONER ASKED YOU THE
11 QUESTION YOU ALWAYS MONITOR THIS; YOU'VE BEEN
12 INVOLVED IN EMERGENCY RESPONSE A LONG TIME, A GOOD
13 PART OF YOUR PROFESSIONAL LIFE, CORRECT?

14 A. THAT'S CORRECT. I -- MY WALKIE HAS BEEN A PART OF
15 MY BODY FOR ALMOST 34 YEARS, AND I MONITOR IT DURING
16 THE DAY SO THAT I CAN BE AWARE OF INCIDENTS AS THEY
17 OCCUR IN THE COMMUNITY AND MAKE ASSESSMENTS AS TO
18 WHETHER IT'S APPROPRIATE FOR ME TO RESPOND TO
19 ASSIST.

20 Q. AND I THINK YOU SAID -- ONE OF THE FIRST ANSWERS YOU
21 GAVE TO THE COMMISSIONER'S QUESTION WAS YOU WERE
22 GOING BACK HOME AND WHEN YOU FIRST HEARD IT YOU
23 ASSUMED IT WAS A ROUTINE EMERGENCY CALL?

24 A. YES, SIR.

25 Q. WELL, WAS IT A ROUTINE EMERGENCY CALL?

1 A. DIDN'T TURN OUT TO BE; NO, SIR.

2 Q. WOULD YOU EXPLAIN TO THE COMMISSIONER THE EMOTIONS
3 AND THE DIFFERENCE THAT MAKE THIS NOT A NORMAL
4 EMERGENCY BUT MORE SO AN UNUSUAL OR NON-ORDINARY
5 EMERGENCY.

6 BY THE WITNESS:

7 EXCUSE ME.

8 BY THE COMMISSIONER:

9 YES. TAKE A MOMENT. SURE. DO YOU NEED A
10 MOMENT? LET'S JUST TAKE A FEW MINUTES.

11 (OFF THE RECORD)

12 BY THE COMMISSIONER:

13 ALL RIGHT. WE'RE BACK ON THE RECORD.

14 BY THE WITNESS:

15 MA'AM, I'VE RESPONDED TO MAJOR DISASTERS ALL
16 OVER THE WORLD, AND I QUIT COUNTING AFTER 4,000 EMS
17 AND RESCUE CALLS TO WHICH I HAVE RESPONDED. THIS
18 WAS AN ENTIRELY DIFFERENT EXPERIENCE BECAUSE IN THE
19 SAFETY COMMUNITY WE'RE LIKE BROTHERS AND SISTERS,
20 AND I KNEW ONE OF THE OFFICERS WHO WAS ON THAT
21 SCENE.

22 BY THE COMMISSIONER:

23 WHICH ONE DID YOU KNOW, SIR?

24 BY THE WITNESS:

25 FORGIVE ME. HE'S THE OFFICER THAT WAS ON THE

1 RADIO. IT'S A BLACK GENTLEMAN. I'M BLOCKING HIS
2 NAME AT THE MOMENT.

3 BY THE COMMISSIONER:

4 YOU'RE TALKING ABOUT ONE OF THE OFFICERS THAT
5 WAS SHOT?

6 BY THE WITNESS:

7 NO, MA'AM; ONE OF THE SURVIVING OFFICERS THAT
8 HAPPENED TO BE THERE.

9 BY THE COMMISSIONER:

10 OH, OKAY.

11 BY THE WITNESS:

12 AND I RECOGNIZED HIS NAME, AND I DIDN'T KNOW
13 WHO WAS INVOLVED OR HOW SERIOUS THE SITUATION WAS,
14 BUT I KNEW THAT IT WAS SERIOUS. AND -- WELL, I KNEW
15 I HAD TO GO AND DO WHAT I COULD, AND I HAD VISIONS
16 OF ONE OF OUR OFFICERS DOWN BLEEDING TO DEATH BEFORE
17 I COULD GET THERE. AND I DID EVERYTHING IN MY HUMAN
18 POWER TO GET THERE AS FAST AS I COULD GET THERE FOR
19 THEM. AND IT'S DIFFERENT. WE TAKE CARE OF THE
20 PUBLIC. WE TAKE CARE OF OTHER PEOPLE BECAUSE WE
21 HAVE A LOVE AND DESIRE AND PASSION TO SERVE THE
22 PUBLIC. BUT THIS WAS FAMILY. THESE WERE PEOPLE TO
23 WHOM WE HAD A COMMITMENT THAT WE TOOK CARE OF THEM;
24 THEY TOOK CARE OF US. WE COULD NOT FUNCTION WITHOUT
25 THEM. THEY DEPENDED UPON US FOR THEIR SUPPORT WHEN

1 THEY WERE IN TROUBLE. I DON'T KNOW IF I'VE ANSWERED
2 YOUR QUESTION ADEQUATELY.

3 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

4 Q. I THINK YOU HAVE. YOU SPOKE THROUGH YOUR EXPERIENCE
5 AND MEMORIES OF THAT EVENING. WE'RE HERE, OF
6 COURSE, WITH MR. LARRY BRITTON, WHO IS, JUST LIKE
7 YOU, A LIFELONG PROFESSIONAL FIRST RESPONDER TO
8 EMERGENCIES, AND THAT'S KIND OF WHAT YOU ALL DID
9 PROFESSIONALLY?

10 BY THE COMMISSIONER:

11 I DON'T THINK HE UNDERSTANDS THAT'S A QUESTION.

12 BY THE WITNESS:

13 I DIDN'T HEAR A QUESTION. I'M SORRY.

14 BY THE COMMISSIONER:

15 YOU MADE MORE OF A STATEMENT, BUT I THINK THERE
16 WAS A QUESTION MARK ON THE END OF IT.

17 BY MR. HUNDLEY:

18 LET ME REPHRASE.

19 DIRECT EXAMINATION RESUMED BY MR. HUNDLEY:

20 Q. ON THIS PARTICULAR NIGHT, THEN, WHAT YOU'VE JUST
21 DESCRIBED WAS NOT A NORMAL EMERGENCY?

22 A. NO, SIR. AND YOU NEED TO UNDERSTAND THERE WERE TWO
23 ELEMENTS TO IT. ONE ELEMENT WAS THAT WE KNEW THAT
24 OFFICERS WERE ALREADY SHOT, BUT WE ALSO KNOW THAT --
25 KNEW THAT THERE WERE OTHER OFFICERS WHO WERE ENGAGED

1 WITH AN ASSAILANT WITH DEADLY INTENT, THAT THEY WERE
2 GONNA BE CONFRONTED WITH HAVING TO BRING THAT PERSON
3 INTO CUSTODY, THAT SINCE THIS MAN HAD ALREADY SHOT
4 TWO OFFICERS THAT THE LIKELIHOOD WAS HIGH THAT HE
5 WAS WILLING TO SHOOT MORE. ONCE WE REALIZED -- ONCE
6 I WAS ON THE SCENE AND HAD SOME IDEA OF WHAT THE
7 SETTING WAS LIKE, I REALIZED THAT THE SWAT -- I HAVE
8 BEEN A ROSTERED MEMBER OF THE CHARLESTON COUNTY
9 SHERIFF'S OFFICE SWAT TEAM FOR 20 YEARS, CARING,
10 BEING ON THE SCENE TO SUPPORT AND PROTECT SWAT
11 OPERATORS FOR THE CHARLESTON COUNTY SHERIFF'S
12 OFFICE. AND I'VE BEEN A SWORN LAW ENFORCEMENT
13 OFFICER FOR OVER A DECADE. I WAS AWARE THAT THERE
14 WAS IMMINENT DANGER OF A SERIOUS GUNFIGHT IN WHICH
15 THE OFFICERS WOULD BE AT MANY KINDS OF DISADVANTAGES
16 AND THAT WE MIGHT SEE MORE DEAD COPS THAT NIGHT.
17 AND SO THE SENSE OF URGENCY ABOUT IT WAS NOT ONLY
18 THE DESPAIR THAT THERE WERE COPS THAT WERE SHOT, BUT
19 ALSO THE CERTAIN KNOWLEDGE THAT MORE -- THAT MORE
20 PEOPLE COULD DIE BEFORE THIS INCIDENT WAS OVER. AND
21 THAT'S DIFFERENT THAN THE NORMAL RESPONSE, AND IT'S
22 DIFFERENT BECAUSE, FIRST, THEY'RE FAMILY THAT'S
23 ALREADY BEEN LOST AND, SECOND, THERE'S FAMILY WHO
24 STILL COULD YET DIE IF THE SYSTEM DID -- IF THEY
25 WERE NOT FORTUNATE AND IF THINGS DID NOT WORK

1 ADVANTAGEOUSLY FOR THEM SO THAT THEY COULD APPREHEND
2 THE SHOOTER AND GO HOME SAFELY. AND THAT WAS VERY
3 MUCH UNCERTAIN WELL INTO THE NIGHT. IT WAS
4 UNCERTAIN UNTIL IT WAS DISCOVERED THAT THE SHOOTER
5 WAS DEAD. AND THAT'S WHAT WAS DIFFERENT ABOUT IT.

6 Q. SO, THE THOUGHT THAT A LOT OF THIS ENDED ONCE THE
7 OFFICER WAS SHOT, THAT WAS NOT THE END OF THIS
8 EVENING?

9 A. OH, NO, FAR FROM IT. FAR FROM IT. WE KNEW THAT
10 THIS MAN WAS ARMED. HE WAS -- HE HAD PROVED THAT HE
11 WAS WILLING TO SHOOT OFFICERS AND HAD THE INTENT TO
12 CONTINUE TO DO SO. THE APPROACH TO HIS POSITION WAS
13 A DANGEROUS APPROACH, AS PROVED TO BE THE CASE IN
14 THE FIRST INSTANCE. AND -- AND WE WERE VERY
15 CONCERNED THAT EVERYTHING BE POSITIONED FROM A
16 MEDICAL POINT OF VIEW THAT IF ANOTHER OFFICER WENT
17 DOWN WE WOULD BE ABLE TO OFFER HIM -- IN THIS CASE,
18 THEY WERE ALL MEN -- OFFER HIM MEDICAL SUPPORT THAT
19 WOULD CONTRIBUTE TO SURVIVAL. AND SO, THIS WAS
20 REALLY A MULTIPLE AGENCY THING. THERE WAS MULTIPLE
21 LAW ENFORCEMENT AGENTS. THERE WERE -- THERE WAS THE
22 EMS ORGANIZATION. THERE WERE OTHER ELEMENTS OF
23 GOVERNMENT PRESENT, FIRE SERVICE AND SO ON. AND THE
24 ABILITY -- WE WERE AWARE THAT EVERYTHING HAD TO BE
25 WORKING. THE COMMUNICATION ISSUE IN THIS PARTICULAR

1 CALL WAS PARAMOUNT BECAUSE THERE WERE SO MANY PEOPLE
2 ON THE AIR AT THE SAME TIME HAVING TO SHARE
3 FREQUENCIES, AND WE WERE HAVING TO EXERCISE RADIO
4 DISCIPLINE TO KEEP THE AIRWAYS AVAILABLE FOR
5 CRITICAL COMMUNICATIONS. AND THAT'S REALLY WHAT THE
6 SITUATION WAS.

7 Q. WHAT WOULD HAPPEN IF THE COMMUNICATIONS WENT DOWN OR
8 FAILED IN ANY FASHION?

9 A. THERE WERE OBSERVERS FROM VARIOUS POSITIONS. AS I
10 RECALL, THERE WAS A ROBOT IN OPERATION AND DATA WAS
11 BEING COLLECTED BY OPERATORS OF THE ROBOT THROUGH
12 ITS CAMERAS, AND ALL OF THAT WAS BEING COMMUNICATED
13 THROUGH THE COMMAND POST TO THE SWAT COMMANDERS, AND
14 THAT WAS INFLUENCING HOW THEY WOULD BE MOVING
15 POSITION BASED UPON THE DATA THAT WAS BEING
16 RECEIVED. AND LACKING THAT DATA -- WELL, LACKING
17 THE INFORMATION ON HOW THE SWAT OPERATORS WOULD
18 PROCEED IN AS SAFE WAY AS POSSIBLE WOULD PUT THEM IN
19 INCREASED JEOPARDY.

20 Q. AND YOU'RE A MEDICAL DOCTOR AS WELL; IS THAT
21 CORRECT?

22 A. OH, YES, SIR. MY SPECIALTY IS EMERGENCY MEDICINE.
23 THAT'S CORRECT.

24 Q. AND YOU REVIEWED DR. WILSON'S MEDICAL CAUSATION
25 REPORT?

1 A. I SAW IT; YES, SIR.

2 Q. OKAY. AND DO YOU AGREE WITH THAT REPORT AS TO THE
3 CAUSATION OF MR. BRITTON'S HEART ATTACK ---

4 A. YES, SIR; ABSOLUTELY.

5 Q. --- WHILE ON DUTY THAT EVENING?

6 A. YES, SIR.

7 BY MR. HUNDLEY:

8 THANK YOU. PLEASE ANSWER ANY QUESTIONS THE
9 COMMISSIONER OR MR. WOOD HAS FOR YOU.

10 BY THE COMMISSIONER:

11 THANK YOU, SIR. MR. WOOD.

12 BY MR. WOOD:

13 THANK YOU, COMMISSIONER.

14 CROSS EXAMINATION BY MR. WOOD:

15 Q. DR. SHEALY, THANK YOU FOR YOUR SERVICE, SIR. WE
16 APPRECIATE YOU COMING OUT TODAY.

17 A. YOU'RE WELCOME.

18 Q. I WANTED TO, I GUESS, SORT OF KIND OF TRY TO FILL IN
19 THE TIME ZONE HERE OF THE EVENTS OF THAT NIGHT
20 INITIALLY WITH YOU. AND YOU WERE KIND ENOUGH TO
21 MEET WITH ME A COUPLE OF WEEKS AGO, AND I APPRECIATE
22 THAT. YOU MENTIONED THAT YOU HEARD THE INITIAL
23 CALL, AND IT SOUNDED LIKE A ROUTINE CALL, AND THEN
24 YOU SUBSEQUENTLY RECEIVED SOME OTHER NOTIFICATION
25 AND ACTUALLY WERE PULLING UP IN YOUR HOUSE AT THE

1 TIME AND TURNED AROUND AND WENT TO THE SCENE?

2 A. I SUBSEQUENTLY HEARD THE OFFICER ON THE SCENE SAY,
3 "SHOTS FIRED, OFFICER DOWN," WORDS TO THAT EFFECT.
4 I REALIZED THAT -- WHAT WAS GOING ON AND BEGAN MY
5 RESPONSE. YES, SIR.

6 Q. OKAY. AND I THINK YOU TOLD ME THAT YOUR RESIDENCE,
7 IF MY MEMORY IS CORRECT, IS OUT IN BRICKYARD IN
8 NORTH MOUNT PLEASANT; IS THAT CORRECT?

9 A. I LIVE IN BRICKYARD, YES, IN MOUNT PLEASANT.

10 Q. ALL RIGHT. AND JUST FOR THE COMMISSIONER'S BENEFIT,
11 THAT'S UP 17 NORTH AS YOU'RE GOING TOWARDS
12 GEORGETOWN, ON THAT SIDE OF MOUNT PLEASANT; IS THAT
13 CORRECT?

14 A. IT'S ON THE CHARLESTON SIDE OF HIGHWAY 41; YES, SIR.

15 Q. OKAY. ALL RIGHT. AND DO YOU KNOW WHAT TIME -- CAN
16 YOU GIVE ME A SPECIFIC TIME AS TO -- AS TO ANYTHING,
17 WHETHER WHEN YOU HEARD THE INITIAL CALL, WHEN YOU
18 HEARD THE OFFICER DOWN CALL?

19 A. NO, SIR. I DON'T ASSOCIATE TIMES WITH EVENTS IN
20 THIS MATTER.

21 Q. OKAY. DO YOU RECALL ANYTHING IN PARTICULAR ABOUT
22 THE WEATHER THAT NIGHT? WAS IT AN IMPEDIMENT TO YOU
23 GETTING TO THE SCENE? WAS IT RAINING? WAS IT
24 CLEAR? DO YOU REMEMBER ANYTHING ABOUT THAT?

25 A. I DON'T REMEMBER THAT THERE WAS ANY IMPEDIMENT.

1 Q. OKAY. AS I UNDERSTOOD YOUR TESTIMONY, WHEN YOU
2 ARRIVED ON THE SCENE THAT WAS PRETTY MUCH
3 CONTEMPORANEOUS WITH OFFICERS OR DEPUTIES MATUSKOVIC
4 AND ACKERMAN BEING LOADED INTO THE AMBULANCE TO BE
5 TAKEN TO THE HOSPITAL?

6 A. THAT'S CORRECT.

7 Q. OKAY. AND I UNDERSTOOD YOUR TESTIMONY TO BE THAT
8 YOU FOLLOWED THE AMBULANCE TO THE HOSPITAL AND
9 ACTUALLY PARTICIPATED TO THE EXTENT IT WAS
10 APPROPRIATE AND HELPFUL IN THE CARE OF THE DEPUTIES?

11 A. THAT IS CORRECT.

12 Q. OKAY. DO YOU KNOW OR HAVE ANY RECOLLECTION AS TO
13 WHAT TIME DEPUTY MATUSKOVIC WAS PRONOUNCED DECEASED?

14 A. NO, SIR.

15 Q. OKAY. IF THAT OCCURRED AT 8:37 IN THE EVENING ON
16 SEPTEMBER 8TH, IN TRYING TO SORT OF WORK THE EVENTS
17 BACKWARDS IN YOUR MIND, WHAT TIME PERIOD WOULD YOU
18 HAVE ESTIMATED THE GUNFIRE EXCHANGE TO HAVE
19 OCCURRED?

20 A. SIR, I COULDN'T TELL YOU.

21 Q. OKAY. WELL, YOU DROVE ALL THE WAY FROM BRICKYARD,
22 YOUR HOME IN MOUNT PLEASANT, TO THE GARDEN
23 APARTMENTS ON CARRIAGE LANE IN WEST ASHLEY?

24 A. THAT IS CORRECT.

25 Q. OKAY. AND JUST ON A NORMAL -- WELL, THERE'S NEVER A

1 NORMAL DAY WITH MOUNT PLEASANT TRAFFIC. BUT AT
2 SEVEN IN THE EVENING HOW MUCH TIME WOULD YOU
3 ESTIMATE THAT TO TAKE?

4 A. SIR, IT'S HARD FOR ME TO SAY. I WAS RUNNING
5 EMERGENCY TRAFFIC WITH LIGHTS AND SIRENS
6 AGGRESSIVELY. I RECALL THAT TWO MOUNT PLEASANT
7 POLICE CRUISERS OVERTOOK ME ON THE -- ON THE RAVENEL
8 BRIDGE. THEY WERE OFFICERS RESPONDING TO AN OFFICER
9 DOWN, AN OFFICER IN TROUBLE, AND ALTHOUGH IT WASN'T
10 THEIR JURISDICTION, THEY WERE NONETHELESS RESPONDING
11 BECAUSE THAT'S WHAT WE DO. I COULDN'T TELL YOU HOW
12 LONG IT TOOK.

13 Q. OKAY. WOULD YOU AGREE WITH ME THAT EVEN IN THE BEST
14 OF CIRCUMSTANCES IT WOULD PROBABLY BE A 15 TO 20
15 MINUTE DRIVE FROM YOUR HOUSE IN BRICKYARD TO
16 CARRIAGE LANE?

17 A. IT PROBABLY WAS 15 MINUTES.

18 Q. OKAY. ALL RIGHT. AND YOU THEN FOLLOWED THE
19 AMBULANCES FROM CARRIAGE LANE IN WEST ASHLEY
20 DOWNTOWN TO THE MEDICAL UNIVERSITY?

21 A. THAT'S CORRECT.

22 Q. AND YOU PARTICIPATED TO SOME EXTENT IN THE EMERGENCY
23 TREATMENT FOR THE TWO DEPUTIES?

24 A. THE -- THE TWO OFFICERS WERE UNDER THE CARE OF
25 MEDICAL UNIVERSITY TRAUMA TEAM. I WAS THERE IN A

1 SUPPORT ROLE. MY ATTENTION WAS PRIMARILY FOCUSED ON
2 DEPUTY ACKERMAN WHILE THE TRAUMA TEAM WAS PRIMARILY
3 FOCUSED ON JOE, AND THEN MY FUNCTION BECAME ONE OF
4 SUPPORT FOR THE OTHER DEPUTIES WHO HAD ARRIVED THERE
5 IN THE TRAUMA CENTER AT THAT TIME.

6 Q. HOW MUCH TIME DO YOU ESTIMATE IT TOOK FOR YOU TO
7 FOLLOW THE AMBULANCES BACK DOWNTOWN BEFORE YOU
8 ACTUALLY GOT INTO THE HOSPITAL TO PARTICIPATE TO THE
9 EXTENT YOU DID?

10 A. SIR, I DON'T KNOW. PERHAPS TEN MINUTES.

11 Q. ALL RIGHT. FAIR ENOUGH. IN LIGHT OF THAT AND IF WE
12 ASSUME THAT DEPUTY MATUSKOVIC WAS PRONOUNCED
13 DECEASED AT 8:37 P.M. ON THE EVENING OF SEPTEMBER
14 8TH OF 2014, WOULD YOU AGREE THAT THE GUNFIRE
15 EXCHANGE WOULD HAVE OCCURRED IN THE 7:20 TO 8:00
16 P.M. TIME ZONE?

17 A. I DON'T KNOW.

18 Q. ALL RIGHT. YOU DON'T THINK SO?

19 A. I DON'T KNOW, SIR.

20 Q. YOU DON'T KNOW. OKAY. FAIR ENOUGH. AND AS I
21 UNDERSTAND IT, YOU WENT BACK TO THE CARRIAGE LANE
22 SCENE AND REPORTED TO THE INCIDENT COMMANDER AND
23 RECEIVED YOUR ASSIGNMENT?

24 A. YES, SIR.

25 Q. AND YOU SAID YOU WERE THERE UNTIL YOU WERE -- I

1 COULDN'T QUITE HEAR YOUR TESTIMONY, BUT I UNDERSTOOD
2 YOU WERE ADVISED THAT YOU WERE NO LONGER NEEDED OR
3 SOMETHING ALONG THOSE LINES?

4 A. WHEN CHARLESTON CITY COMMUNICATED THAT THEY HAD
5 SECURED THE SCENE AND THERE WAS NO LONGER A THREAT,
6 AT THAT POINT MY FUNCTION THERE OF MEDICAL SUPPORT
7 FOR THEM WAS ESSENTIALLY TERMINATED, AND AT THAT
8 POINT I WALKED BACK IN THE DIRECTION OF THE COMMAND
9 POST TO CHECK IN AND SEE WHAT ELSE MIGHT BE
10 REQUIRED. YES, SIR.

11 Q. OKAY. AND IT WAS ABOUT THAT TIME THAT YOU HEARD OF
12 THE SITUATION INVOLVING MR. BRITTON?

13 A. THAT'S CORRECT.

14 Q. OKAY. DO YOU KNOW WHAT TIME THAT WAS?

15 A. NO, SIR.

16 Q. OKAY. AND AS I UNDERSTAND IT, YOU WENT BACK TO THE
17 HOSPITAL?

18 A. YES, SIR.

19 Q. WHERE MR. BRITTON WAS BEING TRANSPORTED?

20 A. YES, SIR.

21 Q. OKAY. DID YOU HAVE THE OPPORTUNITY TO CONVERSE WITH
22 MR. BRITTON AT ALL UNDER THE CIRCUMSTANCES?

23 A. NO, SIR.

24 Q. OKAY. ALL RIGHT.

25 A. I DIDN'T SEE HIM.

1 Q. OKAY. ALL RIGHT. WHEN YOU WERE -- WHEN YOU WERE ON
2 THE SCENE, BOTH WHEN YOU INITIALLY ARRIVED ON THE
3 SCENE AND FOLLOWED THE AMBULANCE WITH THE DEPUTIES
4 BACK DOWNTOWN AND THEN WHEN YOU RETURNED, AT ANY
5 TIME DID YOU SEE MR. BRITTON ON THE 1840 CARRIAGE
6 LANE, GARDEN APARTMENT EMERGENCY SCENE?

7 A. NO, SIR.

8 Q. AT ANY POINT DURING THAT EVENING, DID YOU HAVE ANY
9 DIRECT COMMUNICATION WITH MR. BRITTON?

10 A. NO, SIR.

11 Q. AND YOU'VE KNOWN MR. BRITTON FOR A LONG TIME?

12 A. YES, SIR, A VERY LONG TIME.

13 Q. THIRTY, THIRTY-FIVE YEARS?

14 A. I'M NOT SURE HOW LONG. I CAN TELL YOU THE
15 CONNECTIONS IN WHICH I WAS RELATED WITH HIM AND ---

16 Q. PLEASE DO.

17 A. HE WAS A MEMBER AND OFFICER OF THE CHARLESTON COUNTY
18 RESCUE SQUAD, OF WHICH I WAS MEDICAL DIRECTOR, AND I
19 KNEW HIM IN THAT CAPACITY. HE WAS AN INSTRUCTOR FOR
20 RESCUE SQUADSMEN IN MEDICAL FIRST RESPONDER
21 TRAINING, AND I SUPERVISED THAT. HE WAS AN OFFICER
22 FOR THE SOUTH CAROLINA ONE DISASTER MEDICAL
23 ASSISTANCE TEAM OF THE UNITED STATES NATIONAL
24 DISASTER MEDICAL SERVICE, OF WHICH I SERVED AS
25 SENIOR PHYSICIAN. WE TRAINED TOGETHER. AND BECAUSE

1 OF MY CONNECTION WITH SEVERAL CHARLESTON COUNTY
2 AGENCIES AND BECAUSE I CARRIED A CHARLESTON COUNTY
3 RADIO WITH ALL OF THE FREQUENCIES INVOLVED, I
4 INTERACTED WITH HIM IN HIS CAPACITY AS -- WITH THE
5 COMMUNICATIONS OFFICE. I KNEW LARRY FOR A LONG
6 TIME. I DON'T -- I DON'T KNOW HOW MANY YEARS. IT
7 WAS MORE THAN A DECADE.

8 Q. HAVING WORKED WITH HIM OR BEEN ASSOCIATED WITH HIM
9 IN THOSE VARIOUS CAPACITIES, HOW WOULD YOU -- HOW
10 WOULD YOU DESCRIBE THE LEVEL OF HIS TRAINING AND
11 EXPERTISE IN THE FIELD OF EMERGENCY RESPONSE?

12 A. HE WAS HIGHLY TRAINED AND HIGHLY RESPECTED.

13 Q. OKAY. AND I THINK WHEN WE HAD THE OPPORTUNITY TO
14 MEET A COUPLE OF WEEKS AGO YOU AGREED THAT GIVEN ALL
15 HIS TRAINING AND CERTIFICATIONS AND SO FORTH THAT
16 MR. BRITTON WOULD HAVE BEEN QUALIFIED AND TRAINED TO
17 DEAL WITH ANY TYPE OF EMERGENCY, FROM THE MOST MINOR
18 TO THE MOST SEVERE?

19 A. ABSOLUTELY.

20 Q. OKAY. SPECIFICALLY WITH REGARD -- LET'S TALK ABOUT
21 EMERGENCY -- JUST -- AND I KNOW THIS MAY SEEM
22 SIMPLISTIC, BUT THE TERM EMERGENCY OR EMERGENCY
23 RESPONSE, JUST IN GENERAL TERMS WHAT CONSTITUTES AN
24 EMERGENCY OR EMERGENCY RESPONSE?

25 A. AN EMERGENCY IS IN THE EYE OF THE BEHOLDER.

1 CITIZENS OFTEN INTERPRET THEIR CIRCUMSTANCES AS AN
2 EMERGENCY WHEN, IN FACT, FROM A PROFESSIONAL VIEW IT
3 IS NOT. AS A MATTER OF FACT, WE DEVELOPED A
4 CATEGORIZATION SYSTEM WITHIN CHARLESTON COUNTY EMS
5 THAT WAS ADOPTED BY THE RESCUE SQUAD AND MANY OTHER
6 PUBLIC SAFETY AGENCIES, NOT ONLY IN CHARLESTON
7 COUNTY BUT IN THE REGION, THAT DESCRIBED A PATIENT'S
8 -- THE URGENCY WITH WHICH A PATIENT REQUIRED MEDICAL
9 INTERVENTION AND ASSIGNED CATEGORIES SO WE COULD
10 COMMUNICATE WITH ONE ANOTHER IN A PRECISE TECHNICAL
11 AND PROFESSIONAL WAY THE LEVEL OF THE URGENCY WITH
12 WHICH A PATIENT REQUIRED CARE, FROM THOSE WHO WERE
13 GONNA BE ALL RIGHT TO THOSE WHO WERE GONNA DIE IF
14 THEY DIDN'T HAVE THE APPROPRIATE INTERVENTION.
15 COULD YOU COUCH YOUR QUESTION IN ANOTHER WAY,
16 PLEASE?

17 Q. CERTAINLY. IS IT FAIR TO SAY THAT AN EMERGENCY OR
18 RESPONSE TO AN EMERGENCY IS A SITUATION WHERE THERE
19 IS SERIOUS THREAT TO HUMAN LIFE, SERIOUS THREAT OF
20 INJURY, OR SERIOUS THREAT OF PROPERTY DAMAGE?

21 A. SIR, AGAIN, THAT -- THAT DEPENDS ON THE PERSPECTIVE
22 OF THE INDIVIDUAL AND THEIR FAMILIARITY AND HOW THEY
23 EVALUATE THREAT LEVELS AND SO ON.

24 Q. WELL, LET ME ASK YOU ABOUT THAT, BECAUSE YOU USED
25 THE TERM A MINUTE AGO THAT JUST A REGULAR CITIZEN

1 VERSUS A PROFESSIONAL.

2 A. YES, SIR.

3 Q. WAS MR. BRITTON A PROFESSIONAL?

4 A. YES, SIR.

5 Q. OKAY. TAKE ME THROUGH THE DIFFERENCE BETWEEN HOW A
6 PROFESSIONAL IS TRAINED TO DEAL WITH EMERGENCY
7 RESPONSE VERSUS JUST THE AVERAGE CITIZEN OUT THERE
8 LIKE MYSELF.

9 A. SIR, COULD YOU SAY THAT AGAIN?

10 Q. WELL, I ASSUME THAT, BASED ON YOUR TESTIMONY -- YOU
11 ALSO USED THE WORD PROFESSIONAL EITHER IN AGREEING
12 WITH ONE OF MR. HUNDLEY'S QUESTIONS OR IN YOUR OWN
13 TESTIMONY EARLIER, BUT YOU ALSO USED IT A FEW
14 MINUTES AGO. I ASSUME THERE IS A DIFFERENCE IN
15 PERSPECTIVE ON AN EMERGENCY SCENE BETWEEN A
16 PROFESSIONAL WHO IS TRAINED TO DEAL WITH IT VERSUS
17 AN AVERAGE CITIZEN WHO THAT IS NOT THEIR LINE OF
18 WORK AND THEY ARE NOT TRAINED TO DEAL WITH IT?

19 A. YES, SIR.

20 Q. DO YOU AGREE WITH THAT?

21 A. I AGREE WITH THAT.

22 Q. OKAY. DO YOU ALSO AGREE THAT EMERGENCIES -- THAT
23 THERE IS A BROAD SWATH OUT THERE OF WHAT CONSTITUTES
24 AN EMERGENCY, FACTS AND CIRCUMSTANCES?

25 A. YES, SIR.

1 Q. OKAY. AND DO YOU AGREE WITH ME THAT WHILE THEY MAY
2 SHARE CERTAIN CHARACTERISTICS, THAT NO TWO EMERGENCY
3 SCENES ARE GOING TO BE THE SAME?

4 A. THAT IS TRUE.

5 Q. OKAY.

6 A. HOWEVER, THERE ARE EVENTS WHICH HAVE GREAT
7 SIMILARITIES THAT THERE ARE ALWAYS DIFFERENT. BUT
8 THEY FALL INTO TYPES. IT CAN BE CATEGORIZED BY
9 TYPE.

10 Q. OKAY. BUT PEOPLE WHO -- THERE'S ALWAYS GOING TO BE
11 SOMETHING DIFFERENT; NO TWO EMERGENCIES ARE GOING TO
12 BE THE SAME? WE COULD ALWAYS GO THROUGH THE FACTS
13 AND CIRCUMSTANCES OF A CERTAIN EMERGENCY AND SAY,
14 WELL, THIS IS DIFFERENT FOR THIS REASON; COULDN'T WE
15 DO THAT? WE CAN FIND ANY EMERGENCY CIRCUMSTANCE AND
16 A PROFESSIONAL SUCH AS YOURSELF COULD GO THROUGH AND
17 ANALYZE, WELL, THIS WAS THE SAME, BUT THIS WAS
18 DIFFERENT; WE HAVEN'T DEALT WITH THIS SITUATION
19 SPECIFICALLY?

20 A. SURELY THAT'S TRUE, SIR. YOU CAN HAVE YOUR
21 EMERGENCY, AND I CAN HAVE MINE, AND THEY'RE
22 DIFFERENT BECAUSE WE'RE DIFFERENT INDIVIDUALS.

23 Q. EXACTLY. EXACTLY. OKAY. SO IN THE FIELD OF
24 EMERGENCY RESPONSE, EVEN THE PROFESSIONALS WHO ARE
25 TRAINED TO DEAL WITH THEM ARE GOING TO REACT TO

1 DIFFERENT SITUATIONS DIFFERENTLY; FAIR? ONE
2 SITUATION MAY AFFECT AN INDIVIDUAL, EVEN THOUGH HE'S
3 TRAINED A CERTAIN WAY, AND ANOTHER INDIVIDUAL WHO'S
4 TRAINED MAY BE AFFECTED A DIFFERENT WAY BY THAT
5 PARTICULAR FACTS AND CIRCUMSTANCES; IS THAT FAIR?

6 A. TO THE EXTENT THAT PEOPLE ARE DIFFERENT; YES, SIR,
7 THAT'S TRUE. ALTHOUGH THERE ARE CERTAIN CLASSES OF
8 INCIDENTS THAT SEEM TO STIR PEOPLE IN SIMILAR WAYS.
9 FOR INSTANCE, A CRITICALITY INVOLVING A CHILD WHERE
10 THERE'S A LIFE THREAT OR GREAT SUFFERING THAT'S
11 BEING EXPERIENCED BY A CHILD, PROFESSIONAL EMERGENCY
12 RESPONDERS SEEM TO REACT TO THOSE WITH A GREATER
13 PERSONAL INVESTMENT THAN OTHER EVENTS. AND A LOT OF
14 THAT IS BASED UPON HOW WE IDENTIFY VICTIMS WITH
15 CIRCUMSTANCES IN OUR OWN LIVES. I, PERSONALLY, AS I
16 HAVE BECOME OLDER AND HAD MORE KINDS OF
17 RELATIONSHIPS THAT I IDENTIFY WITH PEOPLE WHO ARE
18 EXPERIENCING EMERGENCIES MORE PROFOUNDLY THAN I USED
19 TO. I USED TO NOT HAVE GRANDCHILDREN AND NOW I DO,
20 AND SO I IDENTIFY WITH PEOPLE WHOSE GRANDCHILDREN
21 HAVE BEEN TRAGICALLY INJURED IN WAYS THAT I USED TO
22 NOT BE ABLE TO UNDERSTAND.

23 Q. AND WHAT YOU JUST SAID THERE VARIES FROM INDIVIDUAL
24 TO INDIVIDUAL IN THE PROFESSIONAL RESPONDER
25 COMMUNITY?

1 A. FROM INDIVIDUAL TO INDIVIDUAL. BUT THERE ARE
2 CERTAIN PATTERNS THAT SEEM TO BE RECURRENT WITHIN
3 THE PROFESSION.

4 Q. DID YOU WORK -- WE TOOK SHERIFF CANNON'S DEPOSITION
5 IN THIS CASE, AND THE COMMISSIONER HAS GOT THAT. I
6 DON'T KNOW IF HE'S GOING TO BE ABLE TO MAKE IT OUT
7 HERE TODAY TO TESTIFY LIVE. BUT DID YOU WORK WITH
8 MR. BRITTON IN SHERIFF CANNON'S OFFICE IN CONNECTION
9 WITH -- YOU BROUGHT UP AN INCIDENT INVOLVING A YOUNG
10 CHILD. DID YOU PARTICIPATE IN WORKING WITH MR.
11 BRITTON IN SHERIFF CANNON'S OFFICE A FEW YEARS AGO
12 WHEN THERE WAS AN EXTENSIVE SEARCH FOR A YOUNG BOY
13 TWO OR THREE YEARS OLD THAT WAS MISSING IN OUR
14 COMMUNITY?

15 A. I DON'T RECALL, SIR.

16 Q. DID YOU PARTICIPATE WITH MR. BRITTON AND SHERIFF
17 CANNON'S OFFICE A FEW YEARS AGO WHEN THE STATE
18 CONSTABLE WAS MURDERED, I THINK, UP HERE ALONG THE
19 CHARLESTON COUNTY/DORCHESTER COUNTY LINE?

20 A. NO, SIR.

21 Q. YOU DIDN'T PARTICIPATE IN THAT?

22 A. NO, SIR.

23 Q. DO YOU REMEMBER THAT INCIDENT?

24 A. I RECALL IT; YES, SIR.

25 Q. DO YOU REMEMBER MR. BRITTON PARTICIPATING IN THAT

1 INCIDENT?

2 A. I HAVE NO KNOWLEDGE OF THAT, SIR.

3 Q. OKAY. ARE YOU FAMILIAR OR DO YOU KNOW WHAT TIME MR.
4 BRITTON'S ROLE IN THE RADIO COMMUNICATIONS
5 DEPARTMENT ON THE EVENING OF SEPTEMBER 8, 2014 -- DO
6 YOU KNOW HOW HE WAS ACTIVATED, THE MECHANISM OF HOW
7 HE CAME TO ACTIVATE THEIR EMERGENCY PROTOCOL?

8 A. NO, SIR.

9 Q. DO YOU KNOW WHETHER THE RADIO COMMUNICATIONS
10 DEPARTMENT HAS AN EMERGENCY PROTOCOL?

11 A. IT'S NORMAL FOR AGENCIES OF GOVERNMENT TO HAVE
12 EMERGENCY PROTOCOLS. I CANNOT SAY THAT I KNOW
13 AFFIRMATIVELY THAT THAT OFFICE HAS EMERGENCY
14 PROTOCOL BECAUSE I NEVER SAW IT.

15 Q. OKAY. SO YOU DON'T KNOW WHETHER THEY WENT THROUGH
16 ANY TRAINING OR PREPARED FOR EMERGENCY CIRCUMSTANCES
17 AND WHAT ALL IS INVOLVED IN THAT WITHIN THE RADIO
18 COMMUNICATIONS DEPARTMENT?

19 A. I KNOW THAT THAT'S CUSTOMARY, BUT I DON'T KNOW ANY
20 -- FOR A FACT WHAT THEY DO.

21 Q. DO YOU AGREE WITH ME THAT COUNTY GOVERNMENT -- ONE
22 OF COUNTY GOVERNMENT'S CORE FUNCTIONS IS EMERGENCY
23 RESPONSE?

24 A. YES, SIR.

25 Q. DO YOU AGREE WITH ME THAT MR. BRITTON'S ROLE IN THE

1 RADIO COMMUNICATIONS DEPARTMENT WAS CRITICAL TO THE
2 COUNTY'S FUNCTION OF EMERGENCY RESPONSE?

3 A. YES, SIR.

4 Q. OKAY. DO YOU KNOW WHAT MR. BRITTON WAS RESPONSIBLE
5 FOR DOING ON HIS JOB ON THE EVENING OF SEPTEMBER 8TH
6 INTO THE EARLY MORNING OF SEPTEMBER 9, 2014?

7 A. I DON'T KNOW IN TERMS OF JOB DESCRIPTIONS. I KNOW
8 IN TERMS OF WHAT THE GENERAL FUNCTION OF
9 COMMUNICATIONS WAS IN THAT SETTING IF YOU WOULD LIKE
10 FOR ME TO ADDRESS THAT.

11 Q. OKAY. YES, SURE; GO AHEAD AND TELL US WHAT YOUR
12 UNDERSTANDING OF THAT IS.

13 A. SYSTEMS HAD TO REMAIN OPERATIONAL, AND THERE ARE
14 MANY WAYS IN WHICH COMMUNICATIONS CAN FAIL IN A
15 CRISIS. MATTER OF FACT, IN GENERAL IN DISASTERS THE
16 MOST COMMON FAILURE IS A COMMUNICATIONS FAILURE,
17 WHICH THEN PRECIPITATES FAILURES OF -- THAT FOLLOW
18 FROM THAT. WE SPEND A GREAT DEAL OF TIME IN OUR
19 TRAINING FOR DISASTER RESPONSE SOLVING PROBLEMS
20 RELATED TO COMMUNICATIONS BECAUSE OF THEIR
21 CRITICALITY. AND I'VE HAD THE OPPORTUNITY TO
22 PARTICIPATE IN AT LEAST FIVE MAJOR INTERNATIONAL
23 DISASTERS, AND AS -- WE EVALUATE -- AS THOSE ARE
24 EVALUATED, AS WE DO A POST-EVENT EVALUATION OF WHAT
25 HAPPENED AND WHERE WE HAVE ROOM FOR IMPROVEMENT AND

1 SO ON, THE ISSUE OF COMMUNICATIONS IS ALWAYS A
2 CRITICAL FACTOR. IF THERE ARE TOO MANY PEOPLE
3 TRYING TO USE THE SYSTEM AT THE SAME TIME, THE
4 SYSTEM FAILS, AND ONE OF THE CRITICAL DISCIPLINES IS
5 TO TRY TO RESTRICT RADIO COMMUNICATIONS TO KEEP THE
6 CHANNELS OPEN SO THAT CRITICAL INFORMATION CAN BE
7 TRANSMITTED AS A GENERAL PRINCIPLE. THERE ARE
8 TECHNICAL ISSUES AS WELL THAT COMMUNICATION SYSTEMS
9 CAN BE LOADED TO A CERTAIN POINT, AT WHICH CASE THEY
10 GO INTO AN OVERLOAD MODE, AND THERE ARE NORMALLY
11 MECHANISMS THAT SHUT THE SYSTEMS DOWN IN ORDER TO
12 PROTECT THE EQUIPMENT FROM PERMANENT FAILURE. I'M
13 NOT A TECHNICAL ELECTRONICS PERSON, AND I CAN'T
14 DESCRIBE THAT IN DETAIL. BUT I UNDERSTAND THAT IN
15 AN EVENT, ESPECIALLY AN EVENT IN WHICH THERE ARE
16 MANY PEOPLE ON THE SCENE -- IN THIS PARTICULAR
17 EVENT, THERE WERE LAW ENFORCEMENT OFFICERS FROM
18 AGENCIES FROM MANY MILES AWAY WHO HAD RESPONDED TO
19 THAT LOCATION. THERE WERE HUNDREDS OF OFFICERS AND
20 ALL WERE IN NEED OF SOME KIND OF RADIO ACCESS. SO
21 IT WAS A POTENTIAL OVERLOAD, AND -- AND WE ALL
22 UNDERSTOOD THAT WE NEED TO KEEP OFF THE AIR BECAUSE
23 IF WE DIDN'T THE SYSTEMS COULD SHUT DOWN.

24 Q. DID YOU UNDERSTAND OR DID YOU HAVE ANY KNOWLEDGE
25 WHETHER MR. BRITTON, IN HIS ROLE AS THE RADIO

1 COMMUNICATIONS DEPARTMENT MANAGER AND PRIOR TO THAT
2 ASSISTANT, WAS TRAINED TO MANAGE AND DEAL WITH THE
3 SITUATION, THE POTENTIAL HAZARDS YOU JUST DESCRIBED
4 AS IT RELATES TO COMMUNICATIONS?

5 A. STRICTLY SPEAKING, I CAN'T SPEAK TO HIS TRAINING,
6 BUT HE WOULD NOT HAVE BEEN ABLE TO PERFORM THE JOB
7 WERE HE NOT TRAINED FOR IT.

8 Q. OKAY. ALL RIGHT. AND DO YOU KNOW -- WELL, LET ME
9 ASK YOU THIS. YOU WERE ON THE SCENE. TO YOUR
10 KNOWLEDGE WERE THERE ANY PROBLEMS OR ISSUES WITH
11 REGARD TO THE COMMUNICATIONS NETWORK ON THE SCENE
12 THAT NIGHT?

13 A. THERE WERE PROBLEMS BECAUSE OF THE NUMBER OF
14 AGENCIES THAT NEEDED TO HAVE RADIO CHANNELS FREE AND
15 AVAILABLE AND THAT PEOPLE WHO NEEDED TO COMMUNICATE
16 WITH ONE ANOTHER WERE NOT ALWAYS OPERATING ON THE
17 SAME FREQUENCIES. THIS IS A -- THIS IS COMMON TO
18 ALL KINDS OF MAJOR EVENTS. I CAN'T SPEAK IN DETAIL
19 AS TO WHAT THOSE ISSUES WERE, BUT I KNOW THAT THERE
20 WERE ISSUES OF THAT TYPE.

21 Q. DO YOU KNOW WHETHER MR. BRITTON ENCOUNTERED ANY
22 PROBLEMS MANAGING AND KEEPING THE RADIO
23 COMMUNICATIONS FREE FROM CONGESTION THAT EVENING?

24 A. I DON'T KNOW BECAUSE I DIDN'T TALK TO HIM.

25 Q. OKAY. ALL RIGHT. SO YOU REALLY DON'T KNOW WHAT HE

1 WAS DOING THAT NIGHT, WHAT HE WAS RESPONSIBLE FOR
2 DOING THAT NIGHT, WHETHER HE HAD ANY PROBLEMS DOING
3 IT; YOU DON'T KNOW?

4 A. I KNOW WHAT HIS FUNCTION WAS. BUT IN DETAIL, WHAT
5 WAS GOING ON THERE, I WAS NOT PRESENT AND COULD NOT
6 TESTIFY.

7 BY MR. WOOD:

8 BEAR WITH ME ONE SECOND, COMMISSIONER.

9 BY THE COMMISSIONER:

10 YES.

11 CROSS EXAMINATION RESUMED BY MR. WOOD:

12 Q. WHEN YOU RETURNED TO THE SCENE THAT EVENING AFTER
13 BEING AT THE HOSPITAL WITH THE DEPUTIES WHO WERE
14 WOUNDED, WAS THERE ANY FURTHER EXCHANGE OF GUNFIRE
15 THAT EVENING?

16 A. THERE WAS THE CONSTANT EXPECTATION THAT IT COULD
17 OCCUR TO THE EXTENT THAT PEOPLE WERE CAREFUL TO BE
18 BEHIND COVER AND NOT EXPOSED TO GUNFIRE. I WAS NOT
19 AWARE OF ANY FURTHER SHOTS BEING FIRED.

20 Q. DO YOU HAVE AN UNDERSTANDING AS TO WHETHER THE
21 PERPETRATOR OF THIS ENTIRE INCIDENT WAS KILLED
22 DURING THE INITIAL GUNFIRE WITH DEPUTIES MATUSKOVIC
23 AND ACKERMAN?

24 A. THAT WAS NOT KNOWN DURING THE INCIDENT. I
25 UNDERSTAND FROM REPORTS OF OTHERS THAT THAT WAS THE

1 CASE. DURING THE INCIDENT ITSELF, THE ASSUMPTION
2 WAS, HAD TO BE, THAT HE WAS STILL A DANGEROUS THREAT
3 TO ANYBODY WITHIN LINE OF FIRE OF THE SECOND FLOOR
4 BALCONY OF THAT BUILDING.

5 Q. WOULD YOU AGREE WITH ME THAT EVERY DAY OF THE WEEK,
6 EVERY SHIFT, 'ROUND THE CLOCK, THAT THE SHERIFF'S
7 DEPUTIES THAT ARE OUT THERE DOING THEIR JOB ARE
8 EXPOSED TO THE POTENTIAL FOR BODILY HARM OR DEATH?

9 A. I AGREE THAT THAT'S TRUE. BUT IN THIS INSTANCE
10 SHOTS HAD BEEN FIRED, OFFICERS WERE DOWN, AND THERE
11 WERE PEOPLE GOING INTO THE LINE OF FIRE OF A KNOWN
12 DEADLY THREAT, AND WHAT MAKES IT DIFFERENT IS WHILE
13 THERE IS A THEORETICAL POTENTIAL DANGER TO AN
14 OFFICER AT ALL TIMES, IN THIS INSTANT THE THREAT WAS
15 PALPABLE. THE THREAT WAS SUCH THAT I WOULD NOT
16 EXPOSE MYSELF AND OFFICERS DID NOT EXPOSE THEMSELVES
17 TO A POSITION WHERE WE COULD SEE THAT BALCONY
18 BECAUSE WE KNEW THAT IF WE COULD SEE IT, IT COULD
19 SEE US. AND THE EXPECTATION THAT GUNFIRE WAS
20 IMMINENT AND THE REALIZATION THAT OTHERS WOULD DIE,
21 COULD DIE AT ANY TIME THAT NIGHT, WAS THE REAL THING
22 THAT MAKES THIS EVENT DIFFERENT THAN THE ORDINARY
23 EMERGENCIES IN WHICH WE GO ABOUT EVERY DAY, TO WHICH
24 EVERY FIREFIGHTER IS EXPOSED TO THE POTENTIAL OF
25 DEATH ON HIS TOUR. BUT IN THIS CASE WE KNEW THAT

1 SHOTS COULD COME FROM THAT BALCONY AT ANY TIME, IN
2 ANY DIRECTION, AND THAT SOMEBODY WAS GONNA HAVE TO
3 GO AFTER HIM.

4 Q. AND ALL THE PROFESSIONAL FIRST RESPONDERS AND
5 SUPPORT UNITS TRAINED FOR THAT CONTINGENCY; IS THAT
6 FAIR?

7 A. AS YOU SAY, EVERY INCIDENT IS UNIQUE, AND WHILE WE
8 TRAIN IN GENERAL, THIS WAS A UNIQUE EVENT THAT HAD
9 NEVER BEEN EXPERIENCED BEFORE, THAT WAS IMPOSSIBLE
10 TO TRAIN FOR IN THAT SENSE, AND THERE WERE LESSONS
11 LEARNED FROM IT THAT WE DIDN'T KNOW BEFORE THAT WERE
12 LEARNED BECAUSE OF THE EXPERIENCE OF THIS INCIDENT.

13 Q. AND THAT HAPPENS FOLLOWING ALL MAJOR EMERGENCY
14 EVENTS; WOULD YOU AGREE WITH THAT?

15 A. WE TRY TO LEARN FROM OUR EXPERIENCE; YES, SIR.

16 BY MR. WOOD:

17 OKAY. THANK YOU, SIR. THAT'S ALL I HAVE.

18 BY THE COMMISSIONER:

19 MR. ---

20 BY MR. HUNDLEY:

21 VERY BRIEFLY.

22 REDIRECT EXAMINATION BY MR. HUNDLEY:

23 Q. JUST TO CLARIFY, I'VE GOT THE ACTUAL TIME LINE.
24 THEY DIDN'T REALLY END THE STANDOFF AND ENTER THE
25 ROOM UNTIL BETWEEN 3:45 AND 4:00 A.M.? IF THAT'S

1 WHAT THE RECORD INDICATES, THAT'S PROBABLY CORRECT;
2 YOU WOULD NOT DISAGREE?

3 A. SIR, THE TIME OF DAY WAS NOT IN MY CONSCIOUSNESS
4 DURING THIS PERIOD.

5 Q. THE STRESS WAS CONTINUOUS UNTIL IT ENDED?

6 A. UNTIL IT ENDED, WHENEVER IT WAS OVER. YES, SIR; IT
7 WAS CONTINUOUS.

8 Q. ALL RIGHT. AND YOU SAID THAT YOU QUIT COUNTING
9 AFTER 4,000 LOCAL AND NATIONAL EMERGENCIES IN WHICH
10 STRESS IS ALWAYS A FACTOR; IS THAT CORRECT?

11 A. YES, SIR.

12 Q. AND IN THIS PARTICULAR CASE WHERE THIS OFFICER IS
13 DOWN, WHICH HADN'T OCCURRED IN THIS COMMUNITY IN
14 QUITE SOME TIME, WOULD THIS BE CONSIDERED, IN YOUR
15 OPINION -- YOU SAID YOU HAD TYPES ACCORDING TO
16 DIFFERENT EMERGENCIES AS A PROFESSIONAL. IN THIS
17 PARTICULAR CASE, WOULD THIS BE WHAT YOU WOULD
18 CLASSIFY AS A USUAL OR NORMAL EMERGENCY?

19 A. I'VE BEEN DOING THIS 35 YEARS, SIR, AND THIS WAS THE
20 ONLY TIME THIS EVER HAPPENED TO ME.

21 BY MR. HUNDLEY:

22 THANK YOU. THAT'S ALL I'VE GOT.

23 BY THE COMMISSIONER:

24 MR. WOOD?

25 BY MR. WOOD:

1 I DON'T HAVE ANYTHING ELSE.

2 BY THE COMMISSIONER:

3 CAN WE EXCUSE THIS GENTLEMAN?

4 BY MR. HUNDLEY:

5 THAT WOULD BE THE CLAIMANT'S CASE.

6 BY THE COMMISSIONER:

7 THANK YOU, DOCTOR.

8 BY MR. HUNDLEY:

9 AND IF THE DOCTOR CAN BE EXCUSED WITHOUT
10 OBJECTION.

11 BY MR. WOOD:

12 CERTAINLY.

13 BY THE COMMISSIONER:

14 OKAY. THANK YOU, SIR. YOU'RE FREE TO LEAVE.

15 WE APPRECIATE IT.

16 BY MR. HUNDLEY:

17 THANK YOU, DR. SHEALY. APPRECIATE IT.

18 (OFF THE RECORD)

19 BY THE COMMISSIONER:

20 MR. WOOD, YOUR FIRST WITNESS, SIR?

21 BY MR. WOOD:

22 OKAY. WE'RE GOING TO CALL BILL TUNICK AS OUR
23 FIRST WITNESS.

24 BY THE COMMISSIONER:

25 ALL RIGHT. MR. TUNICK?

1 BY THE WITNESS:

2 YES, MA'AM.

3 BY THE COMMISSIONER:

4 WE APPRECIATE YOUR PATIENCE IN WAITING OUTSIDE,
5 SIR.

6 BY THE WITNESS:

7 NO PROBLEM.

8 BY THE COMMISSIONER:

9 I KNOW IT'S BEEN A LONG WAIT. IF YOU'LL HAVE A
10 SEAT IN THAT CHAIR RIGHT THERE AND LEAVE IT RIGHT
11 THE WAY IT IS, AND ONCE YOU GET SEATED -- THANK YOU
12 -- RAISE YOUR RIGHT HAND.

13 * * * * *

14 THE WITNESS WAS DULY SWORN TO TELL THE TRUTH, THE
15 WHOLE TRUTH, AND NOTHING BUT THE TRUTH CONCERNING THE
16 MATTER HEREIN:

17 WILLIAM SCOTT TUNICK,

18 BEING FIRST DULY SWORN, TESTIFIED ON HIS OATH AS
19 FOLLOWS:

20 BY THE COMMISSIONER:

21 PLEASE STATE YOUR FULL NAME FOR THE RECORD.

22 BY THE WITNESS:

23 WILLIAM SCOTT TUNICK.

24 BY THE COMMISSIONER:

25 IS THAT T-U-N-I-C-K?

1 BY THE WITNESS:

2 CORRECT.

3 BY THE COMMISSIONER:

4 THANK YOU SO MUCH. PLEASE ANSWER ANY QUESTIONS
5 MR. WOOD HAS FOR YOU FIRST.

6 BY THE WITNESS:

7 SURE.

8 BY MR. WOOD:

9 THANK YOU, COMMISSIONER.

10 DIRECT EXAMINATION BY MR. WOOD:

11 Q. ALL RIGHT IF I CALL YOU BILL?

12 A. SURE.

13 Q. OKAY. BILL, TELL THE COMMISSIONER WHERE YOU'RE
14 EMPLOYED.

15 A. AT CHARLESTON COUNTY GOVERNMENT.

16 Q. YOUR POSITION THERE?

17 A. DIRECTOR OF RADIO AND TELECOM.

18 Q. OKAY. AND HOW LONG HAVE YOU BEEN IN THAT POSITION?

19 A. NINE AND A HALF YEARS.

20 Q. OKAY. WE'RE OBVIOUSLY GOING TO TALK ABOUT MR.

21 BRITTON EXTENSIVELY HERE MOMENTARILY, BUT I WANTED
22 YOU TO EXPLAIN ---

23 BY THE COMMISSIONER:

24 CAN I STOP YOU ONE SECOND AND MAKE SURE MY
25 NOTES ARE CORRECT? YOU'VE BEEN IN THAT ROLE AS

1 DIRECTOR FOR NINE AND A HALF YEARS OR WITH THAT
2 DEPARTMENT FOR NINE AND A HALF?

3 BY THE WITNESS:

4 BOTH.

5 BY THE COMMISSIONER:

6 BOTH. THANK YOU.

7 DIRECT EXAMINATION RESUMED BY MR. WOOD:

8 Q. WOULD YOU EXPLAIN TO THE COMMISSIONER IN GENERAL
9 OVERVIEW TERMS WHAT THE RADIO COMMUNICATIONS
10 DEPARTMENT WITH THE COUNTY -- WHAT IT IS AND WHAT IT
11 DOES?

12 A. OKAY. WE SUPPORT, MANAGE, AND OPERATE THE PUBLIC
13 SAFETY RADIO NETWORK FOR CHARLESTON COUNTY. IT
14 CONSISTS OF 16 RADIO TOWERS AND SUPPORTS
15 APPROXIMATELY 6,000 FIRST RESPONDERS IN THE COUNTY,
16 INCLUDING ALL THE MUNICIPAL JURISDICTIONS, MUNICIPAL
17 POLICE DEPARTMENTS, MUNICIPAL FIRE DEPARTMENTS,
18 COUNTY SHERIFF'S OFFICE, EMS, AND SO FORTH. SO OUR
19 CHARTER IS TO BUILD IT OUT AS NECESSARY, WHICH WE'VE
20 DONE, AND SUCCESSFULLY KEEP IT GOING WITH 100
21 PERCENT AVAILABILITY FOR ALL EMERGENCY RESPONSE IN
22 CHARLESTON COUNTY.

23 Q. OKAY. NOW, IS IT JUST EMERGENCY RESPONSE, OR DO YOU
24 HAVE, FOR EXAMPLE, THE MOUNT PLEASANT WATER AND
25 SEWER DEPARTMENT AS A SUBSCRIBER?

1 A. YEAH. WELL, THEY ALSO CAN BE EMERGENCY RESPONDERS
2 AS WELL, YOU KNOW. DURING AND AFTER A HURRICANE AND
3 SO FORTH, WATER IS VERY CRITICAL. BUT THERE ARE
4 SOME BUSINESS UNITS ON THERE, BUSINESSES LICENSED IN
5 THE COUNTY. THERE ARE SOME JUST BUSINESS UNITS,
6 NON-EMERGENCY RESPONSE UNITS, BUT THAT'S A SMALL
7 FRACTION.

8 Q. OKAY. AND I THINK EITHER YOU OR MARTIN DESCRIBED IT
9 TO ME WHEN WE MET AND TALKED ABOUT THE CASE,
10 DESCRIBED IT AS SORT OF AS IT RELATES TO
11 GOVERNMENTAL ENTITIES, FIRST RESPONDERS, THAT IT'S
12 COMPARABLE -- YOU SERVE THOSE AGENCIES OR
13 DEPARTMENTS THE SAME WAY, IN GENERAL TERMS, A CELL
14 PHONE CARRIER WOULD SERVE THE GENERAL PUBLIC FOR
15 THEIR ---

16 A. IN GENERAL TERMS, YES.

17 Q. OKAY. ALL RIGHT. NOW, THE INFRASTRUCTURE, YOU
18 MENTIONED THE 16 TOWERS?

19 A. YES.

20 Q. OKAY. AND ARE THOSE DISBURSED COUNTYWIDE, OR ARE
21 THEY IN ONE AREA OR ---

22 A. DISBURSED COUNTYWIDE.

23 Q. OKAY. ALL RIGHT. AND IN ADDITION, YOU BILL THAT
24 OUT AND YOU MAINTAIN THAT?

25 A. YES.

1 Q. OKAY. YOU ALSO HAVE THE ACTUAL RADIOS, EVERYTHING
2 THAT GOES ALONG ---

3 BY THE COMMISSIONER:

4 MR. WOOD, I'M GOING TO SAY THE SAME THING. I
5 KNOW THAT YOU ALL ARE TRYING TO GET THINGS MOVED
6 ALONG.

7 BY MR. WOOD:

8 CERTAINLY.

9 BY THE COMMISSIONER:

10 I APPRECIATE BOTH OF YOU SO MUCH TRYING TO KEEP
11 THE MOMENTUM OF THIS THING FLOWING, BUT THIS IS --
12 WHEN IT'S DIRECT EXAM ---

13 BY MR. WOOD:

14 CERTAINLY.

15 BY THE COMMISSIONER:

16 --- THAT'S IMPORTANT TO ME.

17 BY MR. WOOD:

18 YES, MA'AM.

19 BY THE COMMISSIONER:

20 AND I THANK YOU VERY MUCH. JUST BE MINDFUL OF
21 IT, PLEASE.

22 BY MR. WOOD:

23 I UNDERSTAND.

24 DIRECT EXAMINATION RESUMED BY MR. WOOD:

25 Q. WHAT OTHER FACETS TO THE INFRASTRUCTURE ARE THERE

1 BESIDES THE TOWER NETWORK?

2 A. WELL, THERE'S THE NETWORKING BACK TO WHAT WE CALL
3 THE CORE, WHICH IS THE STATE PAL 800 SYSTEM,
4 STATEWIDE RADIO SYSTEM. SO WE CONNECT INTO THAT.
5 THAT HELPS -- THAT ACTUALLY DOES A LOT OF THE
6 MANAGEMENT, THE SYSTEM MANAGEMENT OF THE NETWORK.
7 BUT, YOU KNOW, THE RADIO TOWERS THEMSELVES, A SINGLE
8 RADIO TOWER MAY CONSIST OF TWO MILLION DOLLARS'
9 WORTH OF EQUIPMENT. SO, MOST OF IT IS SELF-
10 CONTAINED. IT FEEDS BACK INTO THE PRIME SITE AND
11 BACK TO THE CORE.

12 Q. DO YOU ALSO DEAL WITH THE RADIOS THEMSELVES?

13 A. YES.

14 Q. OKAY. WHAT DO YOU DO WITH THE RADIOS?

15 A. WELL, FOR COUNTY AGENCIES, WHICH INCLUDES THE
16 SHERIFF'S OFFICE, EMS, AND THE BUSINESS -- PUBLIC
17 WORKS AND SOME OTHER BUSINESS DEPARTMENTS IN THE
18 COUNTY, WE -- WE PROCURE -- ON THEIR BEHALF PROCURE
19 THE RADIOS, PROGRAM THE RADIOS, AND MAINTAIN THE
20 RADIOS AND MAKE SURE THEY'RE IN WORKING ORDER AT ALL
21 TIMES.

22 Q. DOES YOUR DEPARTMENT -- DOES YOUR DEPARTMENT INCLUDE
23 THE CONSOLIDATED DISPATCH AND THE 911 SERVICE?

24 A. NO.

25 Q. OKAY. THAT'S SEPARATE?

- 1 A. YES.
- 2 Q. OKAY. ALL RIGHT. HOW LONG -- WELL, WHEN DID YOU
- 3 FIRST BECOME ACQUAINTED WITH MR. BRITTON?
- 4 A. WHEN I GOT HIRED, JANUARY 2006.
- 5 Q. AND WHAT -- WAS HE ALREADY EMPLOYED WITH THE COUNTY
- 6 AT THAT TIME?
- 7 A. AT THAT PARTICULAR TIME HE WAS A CONTRACTOR EMPLOYEE
- 8 FOR THE RADIO SHOP, AND THEN WE HIRED HIM FULL TIME
- 9 A FEW MONTHS LATER BECAUSE HE PERFORMED VERY WELL IN
- 10 HIS CONTRACTING ROLE.
- 11 Q. OKAY. AND WHAT WAS HIS -- WHAT WAS HIS INITIAL
- 12 POSITION WITH THE COUNTY?
- 13 A. COMMUNICATIONS TECHNICIAN, RADIO COMMUNICATIONS
- 14 TECHNICIAN.
- 15 Q. OKAY. AND AT SOME POINT DID HE -- WAS HE PROMOTED
- 16 AT SOME POINT?
- 17 A. YES. HE WAS PROMOTED TO RADIO SYSTEMS MANAGER AFTER
- 18 THE PREVIOUS MANAGER, A.J. FRESHWATER, HAD -- HAD
- 19 LEFT THE COUNTY.
- 20 Q. OKAY. AND WHEN DID THAT OCCUR?
- 21 A. I DON'T REMEMBER THE EXACT DATE, BUT ---
- 22 Q. WOULD THAT INFORMATION BE REFLECTED IN HIS PERSONNEL
- 23 RECORDS?
- 24 A. YES.
- 25 Q. OKAY. ALL RIGHT. FAIR ENOUGH. JUST -- OKAY. WHEN

1 YOU PROMOTED MR. BRITTON -- WELL, LET ME ASK YOU
2 THIS. WERE YOU FAMILIAR WITH HIS BACKGROUND IN
3 TERMS OF HIS PRIOR WORK EXPERIENCE, TRAINING, AND SO
4 FORTH?

5 A. YES.

6 Q. AND WHAT DID YOU UNDERSTAND THAT TO INCLUDE?

7 A. WELL, HE HAD BEEN FIRE CHIEF AT ISLE OF PALMS BEFORE
8 AND AFTER HUGO, HURRICANE HUGO, AND I KNEW HE
9 PERFORMED BRAVELY AND COURAGEOUSLY DURING THAT TIME.
10 AND HE WAS A BATTALION CHIEF FOR SAINT JOHN'S FIRE
11 DEPARTMENT. SO HIS EMERGENCY RESPONSE CREDENTIALS
12 WERE EXCELLENT.

13 Q. WERE HIS EMERGENCY RESPONSE CREDENTIALS A FACTOR, A
14 FAVORABLE FACTOR, IN YOUR ---

15 A. YES.

16 Q. --- PROMOTION OF HIM?

17 A. VERY FAVORABLE.

18 Q. OKAY. CAN YOU GIVE THE COMMISSIONER -- YOU CAN TELL
19 ALL OF US JUST THE GENERAL BROAD OVERVIEW -- WELL,
20 LET ME -- LET ME JUST ASK YOU THIS. WE MIGHT CAN
21 SPEED IT ALONG. I'M GOING TO SHOW YOU A DOCUMENT.

22 BY MR. WOOD:

23 COMMISSIONER AND MR. HUNDLEY, IT'S MARKED AS
24 NUMBER 17 IN THE DEFENDANTS' APA SUBMISSIONS.

25 DIRECT EXAMINATION RESUMED BY MR. WOOD:

1 Q. BILL, LET ME SHOW YOU THIS AND SEE IF YOU CAN
2 IDENTIFY IT FOR ME.

3 A. OKAY. YES.

4 Q. WHAT IS THAT?

5 A. WELL, THAT IS THE POSITION DESCRIPTION OF THE RADIO
6 COMMUNICATIONS MANAGER.

7 Q. AND THAT'S IN EVIDENCE, SO WE DON'T NEED TO GO
8 THROUGH IT LINE BY LINE. BUT WAS THAT THE POSITION
9 DESCRIPTION IN EFFECT WHEN MR. BRITTON WAS PROMOTED
10 TO THE MANAGEMENT OR DIRECTOR POSITION?

11 A. I BELIEVE SO, YES.

12 Q. OKAY. ALL RIGHT. AND, AGAIN, THE DOCUMENT SPEAKS
13 FOR ITSELF, BUT IT'S VERY DETAILED -- IS IT DETAILED
14 CONCERNING THE PHYSICAL REQUIREMENTS OF THE JOB?

15 A. I THINK SO. I HAVEN'T SEEN IT IN A WHILE, BUT ---

16 Q. LET ME LET YOU TAKE A LOOK AT IT. BEGINNING ON PAGE
17 257 OF OUR APA SUBMISSIONS AND CONTINUING OVER, DOES
18 IT OUTLINE THE PHYSICAL REQUIREMENTS OF THE JOB?

19 A. TWO FIFTY-EIGHT DOES, YES.

20 Q. OKAY. GREAT. CARRIES OVER TO 258?

21 A. YEAH.

22 Q. OKAY. LET ME ALSO ASK YOU REAL QUICKLY, BILL, ON
23 PAGE -- BEGINNING ON PAGE 254 AND CONTINUING OVER TO
24 PAGE 255, DOES IT HAVE AN OUTLINE -- OR DOES IT
25 OUTLINE THE PRINCIPLE FUNCTIONS OF THE JOB?

1 A. YES.

2 Q. WHAT IS THE LAST ITEM UNDER THE HEADING OF FUNCTIONS

3 OF THE JOB, PRINCIPLE FUNCTIONS?

4 A. FUNCTION "F," MUST BE AVAILABLE 24/7 FOR

5 EMERGENCIES.

6 Q. OKAY. AND I THINK ALSO ON PAGE 254 -- DOES IT ALSO

7 MAKE SOME REFERENCE TO BEING AVAILABLE 24/7 FOR

8 EMERGENCIES?

9 A. THAT WAS WHAT I WAS REFERRING TO.

10 Q. OKAY.

11 A. WERE YOU ASKING A DIFFERENT QUESTION?

12 Q. YES, SIR; ON THE NEXT PAGE, UNDER THE HEADING

13 PRINCIPLE FUNCTIONS.

14 A. OH, OKAY.

15 Q. CARRYING OVER TO THE NEXT PAGE, WHICH IS 255, IS

16 EMERGENCY RESPONSE AVAILABILITY.

17 A. MUST BE AVAILABLE 24/7 FOR EMERGENCIES.

18 Q. OKAY. AND THAT -- IT ALSO HAS -- DOES IT HAVE THE

19 BREAKDOWN AS TO THE PERCENTAGES? AND I KNOW THAT'S

20 A TOUGH THING TO ESTIMATE, PERCENT OF THE TIME. BUT

21 WHAT PERCENTAGE OF THE TIME DOES BEING AVAILABLE

22 24/7 ---

23 A. IT SAYS TEN PERCENT.

24 Q. OKAY. ALL RIGHT. BUT EMERGENCY RESPONSE AND BEING

25 AVAILABLE 24/7, DO YOU CONSIDER THAT TO BE A

1 PRINCIPLE FUNCTION OF THE JOB THAT MR. BRITTON HAD
2 AT THE TIME OF HIS DEATH?

3 A. WELL, IT'S A VERY CRITICAL PART OF THE JOB. THE TEN
4 PERCENT, IF I CAN RECALL CORRECTLY, IF I CAN EXPAND
5 ON THAT -- IF I MAY?

6 Q. CERTAINLY.

7 A. --- IS KIND OF INCLUSIVE OF THE RESPONSE TO THE
8 EVENT AND ALL THE REPERCUSSIONS AND POST-EVENT
9 REPORTS, POST-EVENT CONSOLIDATION OF THE INCIDENT,
10 CHANGE OF OPERATIONS, THINGS LIKE THAT. SO WHEREAS
11 THE ACTUAL RESPONSE IS YOU MAY BE EIGHT HOURS, YOU
12 KNOW, THE ACTUAL -- YOU KNOW, PER INCIDENT THE
13 ACTUAL AMOUNT OF TIME THAT THE RADIO COM MANAGER
14 WOULD PUT IN MANAGEMENT OF THE INCIDENT POST-
15 INCIDENT IS PROBABLY MORE LIKE TEN TIMES THAT.

16 Q. OKAY. BUT YOU'VE GOT IT AS A PRINCIPLE FUNCTION IN
17 THERE. DO YOU CONSIDER EMERGENCY AVAILABILITY OR
18 EMERGENCY RESPONSE, BEING AVAILABLE 24/7, TO BE A
19 STANDARD OR NECESSARY CONDITION OF THE JOB?

20 A. YES.

21 Q. OKAY. LET'S TALK IN GENERAL TERMS ABOUT THE
22 TRAINING THAT YOUR EMPLOYEES IN THE RADIO
23 COMMUNICATIONS DEPARTMENT GO THROUGH. YOU TESTIFIED
24 THAT MR. BRITTON'S BACKGROUND WAS A FAVORABLE
25 QUALIFYING FACTOR WHEN YOU PROMOTED HIM. BUT WHAT,

1 IF ANY, FURTHER TRAINING IS THERE AS IT RELATES TO
2 WHAT THE RADIO COMMUNICATIONS DEPARTMENT ACTUALLY
3 DOES?

4 A. WELL, THERE'S INCIDENT MANAGEMENT TRAINING, WHICH IS
5 PART OF THE EMERGENCY OPERATIONS CENTER SPONSORED
6 TRAINING EVENTS. THE -- I'M FORGETTING THE --
7 I.C.S., INCIDENT COMMAND SYSTEM, IS A FEDERAL
8 MANDATE THAT ALL LOCAL EMERGENCY RESPONSE, EMERGENCY
9 MANAGEMENT TAKE THESE COURSES TO UNDERSTAND HOW TO
10 MANAGE AN INCIDENT PROPERLY AND HOW TO BE PART OF
11 THE MANAGEMENT STRUCTURE OF AN INCIDENT. SO THERE'S
12 THREE COURSES FOR THAT, THAT ARE REQUIRED TO BE
13 TAKEN, THAT LARRY TOOK. THERE'S ALSO TRAINING IN
14 HOW TO PROGRAM RADIOS, HOW TO UNDERSTAND TECHNOLOGY
15 AS A WHOLE AS IT INVOLVES PUBLIC SAFETY RADIOS, AND
16 THOSE ARE JUST SOME OF THE THINGS THAT COME TO THE
17 TOP OF MY HEAD AS FAR AS TRAINING GOES.

18 Q. DID LARRY PARTICIPATE IN THOSE?

19 A. YES.

20 Q. OKAY. BILL, I KNOW YOU GUYS ARE AT THE OFFICE --
21 MR. BRITTON'S REGULAR WORK HOURS WERE SEVEN-THIRTY
22 TO FOUR OR SOMETHING ALONG THOSE LINES ---

23 A. UH-HUH.

24 Q. --- MONDAY THROUGH FRIDAY?

25 BY THE COMMISSIONER:

1 IS THAT A YES?

2 BY THE WITNESS:

3 YES.

4 BY THE COMMISSIONER:

5 THANK YOU.

6 DIRECT EXAMINATION RESUMED BY MR. WOOD:

7 Q. DESCRIBE FOR US, IF YOU COULD, WHAT, IF ANY,
8 EMERGENCY ACTIVATION PROTOCOL -- IF AN EMERGENCY
9 OCCURS, WHAT DOES YOUR DEPARTMENT DO?

10 A. WELL, THERE'S DIFFERENT TYPES OF EMERGENCIES
11 OBVIOUSLY. THE -- ONE OF THE MORE STRUCTURED
12 EMERGENCIES IS WHEN THE EMERGENCY OPERATIONS CENTER
13 -- EMERGENCY MANAGEMENT DEPARTMENT OF CHARLESTON
14 COUNTY ACTIVATES THE EMERGENCY OPERATIONS CENTER
15 BASED ON A PENDING HURRICANE, YOU KNOW, A MAJOR ICE
16 STORM THAT OCCURRED. SO THEY ACTIVATE IT. YOU HAVE
17 A CHANCE TO PLAN FOR IT, YOU KNOW, MAYBE A FEW HOURS
18 OR SO FORTH, VERSUS AN UNSTRUCTURED EMERGENCY LIKE
19 THE CASE THAT OCCURRED WITH THE SHOOTING OF THE
20 OFFICER, THERE'S NO PLANNING; IT'S HAPPENING NOW; WE
21 NEED YOU NOW KIND OF THING. SO THOSE ARE THE TWO
22 TYPES OF EMERGENCIES THAT WE RESPOND TO.

23 Q. OKAY. IN THE CASE -- IN THE INCIDENT THAT WE'RE
24 HERE ON THAT BRINGS US HERE TODAY WITH THE OFFICERS
25 INVOLVED TODAY, WITH THE OFFICERS BEING SHOT ON --

1 AND THERE'S NO DISPUTE THAT OCCURRED ON THE EVENING
2 OF SEPTEMBER 8TH CARRYING OVER INTO THE EVENING --
3 EARLY MORNING HOURS, RATHER, OF SEPTEMBER 9 OF 2014.
4 IN THAT TYPE OF SITUATION, WHAT IS THE EMERGENCY
5 PROTOCOL FOR YOUR DEPARTMENT? WHAT DO YOU DO?

6 A. WELL, IT DOESN'T REALLY HAVE A STANDARD PROTOCOL
7 BECAUSE WHAT'S THE EMERGENCY? IS IT A FIRE, MAJOR
8 FIRE, OR IS IT A LAW ENFORCEMENT ACTION, A MAJOR
9 CASUALTY EVENT, A TRAIN DERAILMENT? SO, YOU KNOW,
10 BASICALLY WHAT HAPPENED IN THAT CASE, THE NIGHT OF
11 THE SHOOTING OF THE OFFICER, IS WE WERE NOTIFIED
12 THAT THIS WAS OCCURRING, AND WE WERE ASKED TO COME
13 OUT TO THE SCENE TO HELP IN VARIOUS FUNCTIONS, ONE
14 AT THE SCENE AND ONE AT THE RADIO SHOP.

15 Q. OKAY. AND SO YOU HAVE ONE PERSON AT THE SCENE AND
16 ONE AT THE RADIO SHOP?

17 A. IN THAT CASE, YES.

18 Q. OKAY. AND WHAT IS THE INDIVIDUAL AT THE SCENE
19 DOING?

20 A. HELPING THE FIRST RESPONDERS, MAKING SURE THAT THEIR
21 RADIOS ARE WORKING. YOU KNOW, THEY HAVE EIGHT HOUR
22 -- GENERALLY EIGHT TO TWELVE HOUR BATTERY LIFE.
23 SOME OF THE GUYS HAD WORKED AN ENTIRE SHIFT ALL DAY.
24 IT WAS ALREADY POST EIGHT HOURS. THEY WERE WORKING
25 OVERTIME. THEIR BATTERIES ARE RUNNING OUT. YOU

1 NEED -- YOU NEED YOUR RADIO. YOU CAN'T PARTICIPATE
2 IN THE SCENE OF AN INCIDENT LIKE THAT WITHOUT
3 COMMUNICATION. SO, HANDING OUT CHARGED BATTERIES,
4 CHARGING THEIR BATTERIES. ALSO AT THE SCENE THERE
5 WAS A NEED FOR WI-FI ACCESS. WE WERE ABLE TO
6 PROVIDE THAT FROM OUR VEHICLE, EMERGENCY RESPONSE
7 VEHICLE. THOSE TYPES OF THINGS.

8 Q. WHO IN YOUR DEPARTMENT FILLED THAT ROLE ON THE
9 EVENING OF SEPTEMBER 8TH?

10 A. MARTIN KRATZ.

11 Q. OKAY. AND WHAT WAS HIS POSITION AT THE TIME?

12 A. RADIO COMMUNICATIONS TECHNICIAN.

13 Q. AND WAS THAT LARRY'S INITIAL POSITION WITH THE --
14 WITH THE COUNTY BEFORE HE WAS PROMOTED?

15 A. YES.

16 BY THE COMMISSIONER:

17 AND IS THAT K-R-A-T-Z?

18 BY THE WITNESS:

19 YES, MA'AM.

20 BY THE COMMISSIONER:

21 THANK YOU.

22 DIRECT EXAMINATION RESUMED BY MR. WOOD:

23 Q. AND SUBSEQUENT TO MR. BRITTON'S DEATH, IS MARTIN NOW
24 IN THE POSITION THAT LARRY OCCUPIED, OR MR. BRITTON
25 OCCUPIED, AT THE TIME?

- 1 A. YES.
- 2 Q. OKAY. WHAT ABOUT THE -- YOU MENTIONED THAT YOU'VE
- 3 GOT ONE PERSON ON THE SCENE AND ONE PERSON BACK AT
- 4 THE BUILDING. WHERE IS THE BUILDING?
- 5 A. IT'S ON HEADQUARTERS DRIVE IN NORTH CHARLESTON.
- 6 Q. OKAY. AND THAT'S NEAR -- JUST TO HELP THE
- 7 COMMISSIONER GET AN IDEA OF THINGS, THAT'S NEAR THE
- 8 LEEDS AVENUE PERIMETER CENTER AND LONNIE HAMILTON
- 9 COUNTY BUILDING?
- 10 A. IT'S NOT FAR FROM THAT, YEAH.
- 11 Q. OKAY. NEAR THE SHERIFF'S -- FAIRLY CLOSE TO THE
- 12 SHERIFF'S OFFICE?
- 13 A. YEAH.
- 14 Q. OKAY. AND THE SCENE IN QUESTION, I DON'T THINK
- 15 THERE'S ANY DISPUTE, BUT DID YOU UNDERSTAND WHERE
- 16 THAT WAS, THE ACTUAL EMERGENCY SCENE ---
- 17 A. YES.
- 18 Q. --- WHERE THE OFFICERS WERE SHOT?
- 19 A. YES.
- 20 Q. WHERE DID YOU UNDERSTAND THAT TO BE?
- 21 A. OFF OF -- I ALWAYS GET THOSE ROADS MIXED UP BECAUSE
- 22 THEY CHANGE NAMES -- SAINT ANDREWS, NEAR SAINT
- 23 ANDREWS AND WHERE IT SPLITS ONTO -- SPLITS OFF TO
- 24 61, IN THAT AREA.
- 25 Q. OKAY. AND THAT'S IN THE WEST ASHLEY AREA OF TOWN?

1 A. YES.

2 Q. OKAY. WHAT DOES THE PERSON WHO'S AT THE RADIO
3 BUILDING DO?

4 A. IN THIS CASE, BECAUSE OF THE MAGNITUDE OF THE
5 INCIDENT AND THE AMOUNT OF EMERGENCY RESPONDERS
6 GOING, THERE WAS A NEED TO MAKE SURE THAT THE -- TO
7 ACTIVELY WATCH THE SYSTEM TO MAKE SURE THAT CAPACITY
8 WAS NOT BEING EXCEEDED, THAT THERE WERE NO MAJOR
9 ALARMS ON THE SYSTEM, MAKE SURE IT WAS IN PERFECT
10 WORKING ORDER BECAUSE IT WAS ABSOLUTELY NECESSARY
11 FOR LIFESAVING EFFORTS DURING -- DURING THAT
12 INCIDENT.

13 Q. OKAY. AND WHAT DOES THAT INVOLVE?

14 A. IT BASICALLY INVOLVES WATCHING, LOOKING AT TWO
15 DIFFERENT COMPUTERS. ONE IS WHAT WE CALL GEN WATCH,
16 WHICH ALLOWS US A REALTIME PICTURE OF HOW MANY
17 CHANNELS ARE IN USE, HOW MANY CHANNELS ARE
18 AVAILABLE, WHICH TRANSLATES TO IS THERE CAPACITY
19 AVAILABLE TO MANAGE, TO BE ABLE TO COMMUNICATE ON
20 THIS INCIDENT, OR ARE WE LIMITED IN CAPACITY AND
21 HAVE TO TAKE SOME OTHER STEPS TO INCREASE THE
22 CAPACITY FOR THE SCENE. THAT'S ONE. AND THEN THE
23 SECOND ONE IS A TERMINAL WE CALL MOSCAD, WHICH
24 MONITORS ALL THE TOWER SITES IN OUR CONSTELLATION TO
25 SEE IF THERE'S ANY ALARMS AT THOSE SITES.

1 Q. OKAY. AND WAS -- WHO WAS FILLING THAT ROLE FOR YOUR
2 DEPARTMENT THAT NIGHT?

3 A. LARRY BRITTON.

4 Q. OKAY. DO YOU KNOW -- WELL, LET'S BACK UP. WHAT IS
5 YOUR CELL PHONE NUMBER, BILL?

6 A. 843-323-0961.

7 Q. OKAY. DO YOU KNOW WHERE MR. BRITTON WAS BETWEEN --
8 DO YOU KNOW OF HIS ACTIVITIES AFTER HE LEFT WORK AT
9 HIS REGULAR TIME? WHAT TIME DID HE LEAVE WORK ON
10 MONDAY?

11 A. I DON'T KNOW EXACTLY 'CAUSE I WORK IN THE PUBLIC
12 SERVICES BUILDING, THE BIG BUILDING, AND LARRY
13 WORKED AT THE RADIO SHOP, WHICH IS, AS YOU SAID,
14 JUST A STONE'S THROW AWAY. BUT HIS NORMAL TIME, HE
15 PROBABLY WOULD HAVE LEFT ABOUT 4:00 THAT DAY.

16 Q. OKAY. AND ---

17 BY THE COMMISSIONER:

18 AND DID HE WORK AT THE RADIO SHOP EVERY DAY?

19 BY THE WITNESS:

20 YES.

21 BY THE COMMISSIONER:

22 OKAY. AND THAT'S SEPARATE AND APART FROM WHERE
23 YOU WORKED?

24 BY THE WITNESS:

25 YES, MA'AM.

1 BY THE COMMISSIONER:

2 ALL RIGHT. ON THE DATE OF THE ACCIDENT, WHEN
3 YOU DESCRIBED THE GEN WATCH AND THE OTHER COMPUTER,
4 WAS HE IN THE RADIO SHOP OR A DIFFERENT PLACE?

5 BY THE WITNESS:

6 THAT DAY OR THAT EVENING?

7 BY THE COMMISSIONER:

8 THAT EVENING WHEN HE WAS ---

9 BY THE WITNESS:

10 HE WAS IN THE RADIO SHOP.

11 BY THE COMMISSIONER:

12 STILL IN THE RADIO SHOP PERFORMING THIS DUTY
13 THAT YOU SAID SOMEONE NEEDED TO ACTIVELY WATCH THE
14 TWO COMPUTERS?

15 BY THE WITNESS:

16 CORRECT.

17 BY THE COMMISSIONER:

18 HE'S STILL IN THE RADIO SHOP?

19 BY THE WITNESS:

20 YEAH. HIS OFFICE AND THE SYSTEM MANAGEMENT
21 ROOM ARE BOTH IN THE RADIO SHOP.

22 BY THE COMMISSIONER:

23 OKAY. THANK YOU.

24 DIRECT EXAMINATION RESUMED BY MR. WOOD:

25 Q. ARE THEY RIGHT ACROSS THE HALL FROM ONE ANOTHER?

1 A. YES.

2 Q. OKAY. ALL RIGHT. AFTER THE NORMAL WORK DAY, DO YOU

3 KNOW -- DID YOU HAVE ANY FURTHER COMMUNICATION WITH

4 MR. BRITTON THAT DAY?

5 A. YES, WHEN HE CALLED ME EN ROUTE TO -- BACK TO THE

6 RADIO SHOP AND INFORMED ME OF THE ONGOING INCIDENT

7 WITH THE POLICE OFFICER.

8 Q. OKAY. DO YOU KNOW WHERE HE HAD BEEN OR WHAT HE HAD

9 DONE BETWEEN DEPARTING WORK AT THE NORMAL TIME AND

10 THAT TELEPHONE CALL?

11 A. NO, SIR.

12 Q. OKAY. DO YOU KNOW WHAT TIME HE CALLED YOU THAT

13 EVENING INITIALLY?

14 A. IT WAS APPROXIMATELY 9:00, FROM MY RECOLLECTION.

15 Q. OKAY. THE FIRST CALL?

16 A. YES.

17 Q. IF THE CELL PHONE RECORDS OF MR. BRITTON INDICATE

18 THAT HE CALLED YOUR CELL NUMBER AT 8:36 THAT

19 EVENING, WOULD YOU -- I MEAN, WOULD THAT ---

20 A. YEAH, THAT SOUNDS RIGHT. YES.

21 Q. AND YOU WERE ON YOUR CELL PHONE, BUT YOU WERE AT

22 HOME?

23 A. YES.

24 Q. OKAY. DO THE RADIO COMMUNICATIONS DEPARTMENT

25 EMPLOYEES HAVE A COMPUTERIZED CALENDAR THAT HAS

1 THEIR DAILY EVENTS PLACED ON THERE?

2 A. YES. TYPICALLY SO, YES.

3 Q. OKAY. AND DO YOU KNOW WHETHER LARRY UTILIZED THAT?

4 A. FOR NORMALLY-SCHEDULED MEETINGS BUT NOT FOR -- WELL,
5 ANYWAYS, YEAH, HE DID. HE DID UTILIZE THAT.

6 Q. DO YOU KNOW WHETHER HE USED IT FOR NOT WORK-RELATED
7 ACTIVITIES, BUT ---

8 A. I -- NO, I DON'T KNOW.

9 Q. OKAY. HAVE YOU SEEN HIS CALENDAR SCREENSHOT FOR
10 THAT PARTICULAR DAY?

11 A. YOU MAY HAVE SHOWN IT TO ME, BUT ---

12 Q. YOU DON'T KNOW WHAT'S ON IT?

13 A. --- I DON'T RECALL SEEING IT.

14 Q. OKAY. ALL RIGHT. DID YOU COMMUNICATE WITH LARRY
15 ANYMORE -- WHAT DID HE TELL YOU WHEN HE CALLED YOU
16 AT, ASSUMING THE CELL PHONE RECORDS ARE CORRECT, AT
17 8:36?

18 A. HE CALLED. HE WAS -- SOUNDED VERY STRESSED BECAUSE,
19 OBVIOUSLY, IT'S A VERY SAD OCCURRENCE WHEN A POLICE
20 OFFICER GETS SHOT AND KILLED, AND HE FELT -- SO HE
21 BASICALLY INFORMED ME THAT THIS INCIDENT WAS ONGOING
22 AND HE HAD TO GO TO THE RADIO SHOP, THAT MARTIN WAS
23 GOING TO GO INTO THE SCENE ITSELF, HE WAS GOING TO
24 THE RADIO SHOP TO HELP MANAGE THE INCIDENT, THE COM
25 INCIDENT, THE COM PORTION OF THE INCIDENT AND -- BUT

1 HE -- AT THAT TIME HE TOLD ME HE FELT -- HE THOUGHT
2 THAT THE PERSON -- THAT THE POLICE OFFICER THAT WAS
3 KILLED WAS A FRIEND OF HIS, A GOOD FRIEND OF HIS.
4 IT WAS NOT KNOWN WHO WAS DOWN AT THAT POINT, BUT
5 THROUGH WORD OF MOUTH, I GUESS, HE HAD THOUGHT THAT
6 THIS WAS SOMEONE THAT HE KNEW VERY WELL. HE WAS
7 MISTAKEN WHEN THE NAME OF THE OFFICER WAS RELEASED.

8 Q. OKAY. AND THAT WAS AT 8:36?

9 A. YES.

10 Q. BASED ON THE CELL PHONE RECORDS?

11 A. YES.

12 Q. OKAY. DID YOU HAVE ANY FURTHER COMMUNICATIONS WITH
13 MR. BRITTON SUBSEQUENT TO THAT INITIAL CALL?

14 A. NO.

15 Q. TELL ME, BILL, WHAT, IF ANYTHING, THE TERM
16 CONGESTION MEANS OR REPRESENTS IN THE VERNACULAR
17 THAT YOU GUYS IN THE RADIO COMMUNICATIONS DEPARTMENT
18 USE.

19 A. WELL, WE HAVE A CERTAIN NUMBER OF CHANNELS THAT ARE
20 ALLOCATED BY THE F.C.C., IN ESSENCE, TO OUR SYSTEM
21 AND A CERTAIN AMOUNT OF EQUIPMENT THAT WE PURCHASE
22 FROM MOTOROLA, IN THIS CASE, TO SUPPORT THE NUMBER
23 OF CHANNELS, AND UNDER -- YOU KNOW, POTENTIALLY
24 UNDER CERTAIN CONDITIONS OF A GIGANTIC INCIDENT WE
25 MAY SUFFER CONGESTION. WHAT THAT MEANS IS ALL --

1 ALL RADIO CHANNELS ARE OCCUPIED BY SOMEONE
2 COMMUNICATING AND THAT THE NEXT PERSON THAT HITS THE
3 PUSH-TO-TALK COULD BE PUT IN A QUEUE AND HAVE TO
4 WAIT TO BE ABLE TO COMMUNICATE OVER THE RADIO
5 SYSTEM. THAT WOULD BE CONGESTION.

6 Q. OKAY. AND IS THAT SOMETHING THAT WOULD BE A PROBLEM
7 FOR THE COMMUNICATIONS ON THE EMERGENCY SCENE?

8 A. IT COULD BE. YES, IT COULD BE.

9 Q. WERE THERE ANY PROBLEMS WITH THE CONGESTION ON THE
10 SYSTEM THAT EVENING?

11 A. AS FAR AS I KNOW FROM WHAT I'VE HEARD, AND DON'T
12 RECALL IF I PULLED UP A REPORT OR NOT ON THAT -- ON
13 THAT NIGHT, NO, THERE WAS -- THERE WAS NO CONGESTION
14 ON THE SYSTEM THAT NIGHT.

15 BY THE COMMISSIONER:

16 LET ME BACK YOU UP JUST ONE SECOND. WHEN HE
17 HAD TO WATCH THE SYSTEM TO MAKE SURE IT WAS IN, AS
18 YOU SAID, PERFECT WORKING ORDER, AND HE HAD TO LOOK
19 -- DID HE HAVE TO LOOK AT -- WAS HE IN CHARGE OF
20 BOTH COMPUTERS, THE GEN WATCH AND THE -- I BELIEVE
21 YOU CALLED IT THE ---

22 BY THE WITNESS:

23 MOSCAD, M-O-S-C-A-D.

24 BY THE COMMISSIONER:

25 OKAY. HE HAD TO -- DID HE -- WAS HE IN CHARGE

1 OF BOTH OF THOSE?

2 BY THE WITNESS:

3 IN CHARGE OF, I ---

4 BY THE COMMISSIONER:

5 DO YOU HAVE ONE MAN OR PERSON -- WHEN I SAY ONE
6 MAN, THAT MEANT ONE MAN OR WOMAN -- LOOKING AT EACH
7 OR BOTH? IS THAT -- OR IS THERE A TYPICAL WAY TO DO
8 IT OR ---

9 BY THE WITNESS:

10 WELL, THE MOSCAD -- YES, TO ANSWER YOUR
11 QUESTION, HE WAS LOOKING AT BOTH COMPUTERS. HE WAS
12 MANAGING BOTH COMPUTERS. SO ---

13 BY THE COMMISSIONER:

14 IS THAT TYPICAL, ATYPICAL, STANDARD?

15 BY THE WITNESS:

16 THAT WOULD BE STANDARD FOR A RESPONSE TO THIS
17 TYPE OF INCIDENT, YES.

18 BY THE COMMISSIONER:

19 OKAY. THANK YOU. GO AHEAD, MR. WOOD.

20 BY MR. WOOD:

21 THANK YOU, COMMISSIONER.

22 DIRECT EXAMINATION RESUMED BY MR. WOOD:

23 Q. WAS THERE ANY BREAKDOWN OF THE COMMUNICATION NETWORK
24 ON THE EVENING IN QUESTION, TO YOUR KNOWLEDGE?

25 A. NO.

1 Q. OKAY. AT SOME POINT IN THE EVENING DID YOU BECOME
2 AWARE OF MR. BRITTON'S HEALTH SITUATION?

3 A. YES.

4 Q. AND DO YOU HAVE AN ESTIMATE AS TO WHAT TIME THAT
5 WOULD HAVE OCCURRED?

6 A. IT WAS SOMETIME AFTER MIDNIGHT THAT I GOT A CALL
7 FROM THE CONSOLIDATED DISPATCH CENTER THAT LARRY WAS
8 -- HAD CALLED 911 BECAUSE OF DIFFICULTY BREATHING
9 AND CHEST PAINS.

10 Q. SO YOU WERE NOTIFIED BY THE 911 OR THE DISPATCH
11 SERVICE?

12 A. YES, BY THE ACTUAL DIRECTOR, JIM LAKE.

13 Q. MR. LAKE, OKAY. ALL RIGHT. AND DID YOU HAVE ANY
14 COMMUNICATIONS WITH MARTIN SUBSEQUENT TO THAT?

15 A. YES, MANY -- MUCH COMMUNICATION, REPEATED CALLS AND
16 TEXT MESSAGES BETWEEN ME AND MARTIN.

17 Q. OKAY. WAS THERE ANY INDICATION THAT MR. BRITTON HAD
18 GONE TO THE EMERGENCY SCENE AT THE WEST ASHLEY
19 GARDEN APARTMENTS?

20 A. NOT THAT I'M AWARE OF.

21 Q. OKAY. ARE YOU AWARE AS TO WHETHER ANYBODY OTHER
22 THAN MR. KRATZ WOULD HAVE BEEN IN PHYSICAL -- NOT
23 PHYSICAL CONTACT, BUT IN THE PRESENCE OF MR. BRITTON
24 AT THE RADIO COMMUNICATIONS BUILDING THAT EVENING?

25 A. WELL, HE WASN'T -- OKAY. CAN YOU CLARIFY YOUR

1 QUESTION? BECAUSE HE WASN'T WITH HIM UNTIL LARRY
2 FELL ILL.

3 Q. OKAY. DO YOU KNOW WHETHER MR. KRATZ AND MR. BRITTON
4 ENCOUNTERED ONE ANOTHER AT THE RADIO COMMUNICATIONS
5 BUILDING EARLIER IN THE EVENING, IN THE EIGHT TO ---

6 A. BEFORE? BEFORE ---

7 Q. IN THE 9:00 HOUR; YES, SIR.

8 A. FROM WHAT I UNDERSTAND, NO. THAT'S JUST WHAT I
9 UNDERSTAND, 'CAUSE I WAS NOT THERE.

10 Q. OKAY. DO YOU KNOW OF ANYBODY ELSE THAT WOULD HAVE
11 BEEN THERE AT THE RADIO COMMUNICATIONS BUILDING
12 APART FROM MR. BRITTON?

13 A. UNLIKELY.

14 Q. OKAY. AND THE EMTs AT SOME POINT ARRIVED?

15 A. YES.

16 Q. EMERGENCY PERSONNEL. OKAY. ALL RIGHT. BILL, I
17 WANT TO SHOW YOU A FEW OTHER DOCUMENTS. IN THE
18 PERSONNEL RECORDS, ARE EMPLOYEE EVALUATIONS INCLUDED
19 IN THE PERSONNEL RECORDS?

20 A. THEY SHOULD BE.

21 Q. OKAY. AND DID MR. BRITTON PARTICIPATE IN
22 PERFORMANCE REVIEWS?

23 A. YES.

24 Q. AND YOU WOULD HAVE BEEN HIS SUPERVISOR IN CONNECTION
25 WITH THOSE PERFORMANCE REVIEWS?

1 A. YES.

2 Q. I'M GOING TO BRING THE WHOLE STACK OVER THERE
3 BECAUSE THE DATES ARE A LITTLE BIT DIFFICULT TO
4 FOLLOW, AND THE COMMISSIONER HAS ALL THESE, BUT I'M
5 REFERRING TO PAGE 191 IN PARTICULAR ON THIS
6 QUESTION. AND I'D LIKE FOR YOU TO READ FOR ME --
7 WELL, TELL US WHAT THE HEADING IS HERE, NUMBER FOUR,
8 JOB DUTY ELEMENT. WHAT DOES THAT SAY THERE? WHAT
9 CATEGORY IS THAT?

10 A. MANAGING RESOURCES FOR EMERGENCY RESPONSE.

11 Q. OKAY. AND WHAT WAS YOUR COMMENT THERE WITH RESPECT
12 TO MR. BRITTON'S SERVICE?

13 A. WELL, LET'S JUST SAY THERE'S A TYPO. LARRY IS THE
14 FIRST TO OFFER HIS AVAILABILITY ON WEEKENDS,
15 EVENINGS, ANYTIME REALLY, IN EMERGENCY RESPONSE
16 SITUATIONS WHERE RADIO COMMUNICATION RESOURCES ARE
17 NEEDED.

18 Q. OKAY. LET ME -- THIS IS ANOTHER PAGE, ON PAGE 193,
19 AND IT'S UNDER THE, I GUESS, HEADING NUMBER NINE
20 THERE, JOB DUTY ELEMENT, ATTENDANCE AND PUNCTUALITY.
21 PLEASE READ FOR ME YOUR COMMENTS ON THAT EVALUATION.

22 A. LARRY IS PROMPTLY AT WORK EVERY MORNING AND OFTEN
23 WORKS PAST HIS ALLOCATED TIMES AND ON WEEKENDS OR IN
24 THE EVENINGS.

25 Q. OKAY. AND IT SAYS -- WHAT DID YOU COMMENT THERE ON

1 SECTION TEN, OTHER DUTIES AS ASSIGNED?

2 A. LARRY ALMOST ALWAYS ACCEPTS ADDITIONAL DUTIES AS
3 THEY ARE REQUIRED AT RADIO COMMUNICATIONS.

4 BY THE COMMISSIONER:

5 AND ARE THESE DATED SO I CAN ---

6 BY MR. WOOD:

7 THE DATES ARE ON THE SUBSEQUENT PAGES,
8 COMMISSIONER. THEY KIND OF FLOW IN CHRONOLOGY
9 THERE.

10 BY THE COMMISSIONER:

11 OKAY. SO I'LL BE ABLE TO TELL?

12 BY MR. WOOD:

13 I THINK YOU CAN.

14 BY THE COMMISSIONER:

15 FOR INSTANCE, THAT ONE IS 2009 THAT YOU JUST
16 REFERRED TO?

17 BY MR. WOOD:

18 I THINK SO; YES, MA'AM.

19 BY THE COMMISSIONER:

20 OKAY.

21 DIRECT EXAMINATION RESUMED BY MR. WOOD:

22 Q. LET ME SHOW YOU PAGE 205 ON THIS ONE AND ASK YOU TO
23 READ YOUR COMMENTS HERE UNDER THE JOB DUTY ELEMENT
24 AVAILABLE 24/7 FOR AN (SIC) SYSTEM OR CUSTOMER
25 EMERGENCY.

1 A. OKAY. LARRY IS EXTREMELY RELIABLE AND RESPONDS
2 QUICKLY WHEN A MAJOR INCIDENT OCCURS IN CHARLESTON
3 COUNTY AND EMERGENCY COMMUNICATIONS ARE REQUIRED.

4 Q. DID THE FORMS THAT YOU USED TO DO THE PERFORMANCE
5 REVIEWS, DID YOU KIND OF CHANGE YOUR FORMAT AT SOME
6 POINT HERE IN RECENT YEARS?

7 A. YEAH, I BELIEVE SO.

8 Q. OKAY. AND WENT TO MORE OF A POINTS-BASED SYSTEM; IS
9 THAT FAIR TO SAY?

10 A. YES.

11 Q. OKAY. I WANTED TO ASK YOU ABOUT A COUPLE OF THOSE
12 ON PAGE 218 HERE UNDER THE TITLE OF PLANNING. KEEPS
13 CURRENT ON UP-TO-DATE PRACTICES WITHIN THE FIELD
14 THROUGH READING APPROPRIATE JOURNALS, PAPERS,
15 ETCETERA, AND ATTENDING APPROPRIATE SEMINARS,
16 CONFERENCES WHEN POSSIBLE. WHAT SCORE DID YOU GIVE
17 MR. BRITTON ON THAT ONE?

18 A. THREE-POINT-FIVE.

19 Q. OUT OF A HIGH OF FOUR?

20 A. UH-HUH.

21 BY THE COMMISSIONER:

22 IS THAT A YES?

23 BY THE WITNESS:

24 YES. SORRY.

25 DIRECT EXAMINATION RESUMED BY MR. WOOD:

1 Q. UNDER THE EMPLOYEE DEVELOPMENT AND APPRAISAL SECTION
2 -- THIS IS ON PAGE 220 -- RECOGNIZES AND DEVELOPS
3 FULL GROWTH AND POTENTIAL IN EMPLOYEES, UTILIZING
4 APPROPRIATE GUIDANCE, COACHING, AND TRAINING,
5 EFFECTIVELY DELEGATES RESPONSIBILITY BASED ON
6 EMPLOYEE QUALIFICATIONS AND ABILITY. YOU SCORED HIM
7 AT A THREE?

8 A. UH-HUH.

9 BY THE COMMISSIONER:

10 IS THAT A YES?

11 BY THE WITNESS:

12 YES.

13 BY THE COMMISSIONER:

14 THANK YOU.

15 DIRECT EXAMINATION RESUMED BY MR. WOOD:

16 Q. BILL, IN TERMS OF THE RESPONSIBILITY THAT MR.
17 BRITTON WAS FULFILLING ON THE EVENING IN QUESTION --
18 AND YOU JUST HAD SOME CONVERSATION WITH THE
19 COMMISSIONER ON THAT A MINUTE AGO; SHE ASKED YOU
20 SOME QUESTIONS. IN TERMS OF WHAT HE WAS DOING THAT
21 NIGHT, WAS HE TRAINED TO BE MONITORING AND OPERATING
22 THAT SYSTEM?

23 A. YES.

24 Q. DO YOU RECALL LARRY'S CELL PHONE NUMBER?

25 A. NO. NOT OFF THE TOP OF MY HEAD, NO.

1 Q. OKAY. ALL RIGHT. WE PULLED OFF OF ONE OF THE
2 TELEVISION NEWS WEBSITES ---

3 BY THE COMMISSIONER:

4 IS THAT IN MY PACKAGE?

5 BY MR. WOOD:

6 NO, MA'AM.

7 BY THE COMMISSIONER:

8 OKAY. GO AHEAD. HAS MR. ---

9 BY MR. HUNDLEY:

10 I DON'T KNOW WHAT HE'S DOING.

11 BY MR. WOOD:

12 I THINK HE'S GOT IT. WE'VE GIVEN YOU
13 EVERYTHING WE'VE GOT.

14 BY THE COMMISSIONER:

15 OKAY. GO AHEAD, MR. WOOD.

16 BY MR. WOOD:

17 THANK YOU.

18 DIRECT EXAMINATION RESUMED BY MR. WOOD:

19 Q. DO YOU RECALL GIVING A COMMENT OR QUOTE TO TV-10 OUT
20 OF COLUMBIA IN CONNECTION WITH LARRY'S UNFORTUNATE
21 DEATH?

22 A. NO. I DIDN'T TALK DIRECTLY TO TV-10.

23 Q. OKAY. DID YOU GIVE ANY PRESS -- IS THAT QUOTE
24 ACCURATE?

25 A. IF THEY'RE REFERRING TO AT THE PRESS CONFERENCE THE

1 MORNING AFTER, THEN YES.

2 Q. OKAY. THAT WAS GIVEN AT A PRESS CONFERENCE?

3 A. YES.

4 Q. OKAY. AND CAN YOU READ YOUR QUOTATION THERE.

5 A. MR. BRITTON WAS AN EXTREMELY DEDICATED EMPLOYEE,
6 ALWAYS GAVE 110 PERCENT TO SUPPORT PUBLIC SAFETY
7 COMMUNICATIONS, COWORKER AND DIRECTOR OF
8 COMMUNICATIONS BILL TUNICK SAID. AT ANY TIME DAY OR
9 NIGHT LARRY WOULD SUPPORT AN MAJOR PUBLIC SAFETY
10 INCIDENT IN THE COUNTY.

11 Q. BILL, AT MY REQUEST DID YOU -- OR LET ME JUST ASK
12 YOU THIS WAY. DID YOU -- DO YOU HAVE AN ESTIMATE AS
13 TO, OVER LARRY'S TENURE WITH THE COUNTY, HOW
14 FREQUENTLY HE WAS ENGAGED IN OVERTIME OR ---

15 A. YEAH. I THINK MY ESTIMATE THAT I GAVE YOU WAS
16 APPROXIMATELY AVERAGE OF TWO PER YEAR OR EIGHTEEN
17 TIMES OVER NINE YEARS.

18 Q. OKAY. THAT'S THE EMERGENCY CALL-OUT SITUATIONS?

19 A. YES.

20 Q. IN TERMS OF JUST OVERTIME WEEKEND WORK OR OVERTIME
21 AFTER REGULAR HOURS, HOW FREQUENT WOULD THAT HAVE
22 BEEN?

23 A. I CAN'T EVEN ESTIMATE THAT.

24 Q. OKAY.

25 A. OFTEN.

1 Q. OFTEN, OKAY.

2 BY THE COMMISSIONER:

3 AND YOU SAID EMERGENCY SITUATIONS; DID YOU SAY
4 EIGHTEEN TIMES OVER NINE YEARS?

5 BY THE WITNESS:

6 YES, YES.

7 DIRECT EXAMINATION RESUMED BY MR. WOOD:

8 Q. TWICE A YEAR; WAS THAT YOUR ESTIMATE?

9 BY THE COMMISSIONER:

10 AND THAT WOULD BE DURING THE NINE YEARS YOU'VE
11 BEEN INVOLVED IN THIS CAPACITY?

12 BY THE WITNESS:

13 CORRECT. YES, MA'AM.

14 BY THE COMMISSIONER:

15 OKAY.

16 DIRECT EXAMINATION RESUMED BY MR. WOOD:

17 Q. I JUST WANTED TO ASK YOU ABOUT A COUPLE OF SPECIFIC
18 INCIDENTS AT THE -- DO YOU RECALL AN INCIDENT KNOWN
19 AS THE WINDY FIRE?

20 A. YES.

21 Q. DO YOU RECALL WHEN THAT WAS?

22 A. THREE, FOUR YEARS AGO. I'M NOT EXACTLY SURE.

23 Q. OKAY. AND DO YOU RECALL WHAT LARRY'S SERVICE IN
24 CONNECTION WITH THAT INCIDENT WAS?

25 A. YES.

1 Q. WHAT DID HE DO?

2 A. WELL, HE WENT OUT TO THE SCENE OF THE WINDY FIRE.
3 THE WINDY FIRE WAS A FOREST FIRE IN FRANCIS MARION
4 FOREST STOKED BY 30-, 40-MILE-AN-HOUR WINDS, HAD THE
5 POTENTIAL OF DESTROYING THE TOWN OF McCLELLANVILLE
6 VIRTUALLY. SO IT WAS A VERY URGENT SITUATION.
7 LARRY WENT OUT THERE TO ENSURE THAT COMMUNICATIONS
8 WERE MANAGED ON SCENE PROPERLY.

9 Q. HOW LONG WAS HE OUT THERE?

10 A. PROBABLY A FULL DAY AND MAYBE INTO THE SECOND DAY.
11 I'M NOT SURE.

12 Q. OKAY. DO YOU RECALL A PLANE CRASH UP IN AWENDAW
13 BACK IN SUMMER OF 2013?

14 A. I VAGUELY RECALL IT, YES.

15 Q. DO YOU REMEMBER WHAT LARRY'S INVOLVEMENT WAS IN
16 THAT?

17 A. SAME THING AS WHAT I STATED EARLIER, JUST HELPING
18 MANAGE COMMUNICATIONS ON SCENE.

19 Q. OKAY. YOU MENTIONED EARLIER IN YOUR TESTIMONY -- I
20 THINK YOU MADE REFERENCE TO THE ICE STORM.

21 BY THE COMMISSIONER:

22 WERE THERE ANY FATALITIES IN THE PLANE CRASH?

23 BY THE WITNESS:

24 I BELIEVE SO, BUT I'M NOT CERTAIN.

25 BY THE COMMISSIONER:

1 OKAY.

2 BY THE WITNESS:

3 IT WAS A SMALL -- SMALL PLANE.

4 BY THE COMMISSIONER:

5 OKAY.

6 DIRECT EXAMINATION RESUMED BY MR. WOOD:

7 Q. YOU MADE REFERENCE IN YOUR TESTIMONY EARLIER TO THE
8 ICE STORM WE HAD LAST WINTER -- OR, NOT THIS PAST
9 WINTER BUT THE WINTER PRIOR. CAN YOU TELL THE
10 COMMISSIONER WHAT LARRY'S INVOLVEMENT WAS IN THAT
11 INCIDENT?

12 A. YES. HE SPENT THE NIGHT. HE SPENT 36 HOURS
13 STRAIGHT AT THE RADIO SHOP TO ENSURE -- THERE WAS A
14 -- LET ME JUST BACKTRACK A LITTLE BIT. WE HAD A
15 VERY SUBSTANTIAL ICE STORM THAT KNOCKED OUT POWER,
16 COMMUNICATIONS, ROADS, AND IT WAS PREDICTED TO BE AN
17 URGENT SITUATION AND YOU WOULDN'T BE ABLE TO GET
18 AROUND. SO LARRY, BEFORE THE ICE STORM BEGAN,
19 CAMPED OUT AT THE RADIO SHOP, PLANNED ON BEING THERE
20 UNTIL THE ICE MELTED, IN ESSENCE. HE WAS THERE FOR
21 36 STRAIGHT HOURS TO MAKE SURE OUR SYSTEM DID NOT GO
22 DOWN.

23 BY THE COMMISSIONER:

24 SO THAT WOULD BE A STRUCTURED EMERGENCY, WOULD
25 YOU CALL THAT?

1 BY THE WITNESS:

2 YES, I WOULD CALL THAT A STRUCTURED EMERGENCY.

3 YES, MA'AM.

4 DIRECT EXAMINATION RESUMED BY MR. WOOD:

5 Q. BUT HE WAS ON DUTY FOR 36 HOURS?

6 A. YES.

7 Q. OKAY. BILL, IN LIGHT OF THE JOB DESCRIPTION THAT

8 YOU TESTIFIED TO CONCERNING EARLIER, WAS THE

9 EMERGENCY RESPONSE COMPONENT, 24/7 AVAILABILITY, WAS

10 THAT A KNOWN AND DISCLOSED COMPONENT OF THE JOB WHEN

11 YOU PROMOTED LARRY?

12 A. YES.

13 BY MR. WOOD:

14 COMMISSIONER, THAT'S ALL I HAVE. THANK YOU.

15 BY THE COMMISSIONER:

16 THANK YOU. GO AHEAD.

17 BY MR. HUNDLEY:

18 THANK YOU. A COUPLE QUESTIONS.

19 CROSS EXAMINATION BY MR. HUNDLEY:

20 Q. ON SEPTEMBER 8TH AND GOING ALL THE WAY TO REALLY

21 THREE OR FOUR IN THE MORNING ON SEPTEMBER 9TH, WHERE

22 WERE YOU?

23 A. I WAS AT HOME.

24 Q. AT HOME?

25 A. YES, SIR.

1 Q. OKAY. I MEAN, THERE'S BEEN TESTIMONY THAT HUNDREDS
2 OF PEOPLE CAME TO THE SCENE. LARRY CAME AND WENT TO
3 THERE AND MARTIN WENT TO THE SCENE TO ASSIST WITH
4 THE EMERGENCY RESPONSE, RIGHT?

5 A. YES.

6 Q. OKAY. SO, ARE YOU AWARE OF WHAT THE EMOTIONS MAY
7 HAVE BEEN PRESENT AT THE TIME THERE?

8 A. YES.

9 Q. BUT YOU WEREN'T THERE?

10 A. NO, SIR. ARE YOU IMPLYING THAT I SHOULD HAVE BEEN
11 THERE? ARE YOU TELLING ME WHAT MY JOB SHOULD BE?

12 Q. I'M TRYING TO -- EVERYBODY -- EVERYTHING TODAY --
13 AND I DON'T NEED TO EXPLAIN MY ANSWER, BUT I WILL.

14 A. GO AHEAD.

15 Q. --- HAS BEEN WHAT THE CONDITIONS OF THE EMPLOYMENT
16 WERE THAT DAY. OKAY? AND TO BE THERE IN THE FIELD
17 -- AND THE PEOPLE WHO HAVE TESTIFIED TODAY WERE
18 THERE, AND THEY KNEW WHAT THE CONDITIONS AND STRESS
19 OF EMPLOYMENT WERE THAT DAY.

20 A. I DON'T EVEN UNDERSTAND WHAT YOUR QUESTION IS, SIR.

21 Q. WELL ---

22 A. COULD YOU REPHRASE IT?

23 Q. YOU WEREN'T THERE; LET'S LEAVE IT AT THAT. NOW,
24 YOU'VE NAMED ---

25 BY THE COMMISSIONER:

1 WELL, JUST MAKE SURE YOU PHRASE YOUR -- THESE
2 IN THE FORM OF A QUESTION.

3 BY MR. HUNDLEY:

4 SURE.

5 BY THE COMMISSIONER:

6 WHEN YOU SAID, YOU WEREN'T THERE ---

7 BY MR. HUNDLEY:

8 NO.

9 BY THE COMMISSIONER:

10 --- IS IT -- THERE'S A QUESTION MARK ---

11 BY MR. HUNDLEY:

12 HE'S ALREADY ANSWERED THE QUESTION.

13 BY THE COMMISSIONER:

14 OKAY.

15 BY MR. HUNDLEY:

16 I'M WON'T KEEP BEATING IT.

17 BY THE COMMISSIONER:

18 ALL RIGHT.

19 CROSS EXAMINATION RESUMED BY MR. HUNDLEY:

20 Q. AND YOU'VE MET WITH MR. WOOD A FEW TIMES. YOU SAY
21 OVER THE LAST NINE YEARS, THE TIME YOU'VE BEEN
22 THERE, HE'S WORKED THESE OVERTIME EIGHTEEN TIMES?

23 A. HE'S RESPONDED TO ON SCENE EMERGENCY INCIDENTS PAST
24 NORMAL WORKING HOURS APPROXIMATELY 18 TIMES.

25 Q. SO, AN AVERAGE OF TWO A YEAR?

1 A. YES.

2 Q. OKAY. ONE OF THEM WAS A FOREST FIRE?

3 A. YES.

4 Q. ONE OF THEM WAS A PLANE CRASH?

5 A. YES.

6 Q. ONE OF THEM WAS AN ICE STORM?

7 A. YES.

8 Q. ANY OF THEM WITH AN OFFICER DOWN AND AN OFFICER
9 KILLED?

10 A. NOT THAT I CAN RECALL.

11 Q. ANY OF THEM HAVE A NINE-HOUR STANDOFF WITH EVERYBODY
12 AT RISK?

13 A. NO.

14 Q. OKAY. AND YOU SAID WHEN LARRY CALLED YOU -- I MEAN,
15 HE'S A PROFESSIONAL; HE'S BEEN DOING THIS REALLY,
16 EMERGENCY RESPONDING, LONGER THAN YOU, RIGHT?

17 A. YES.

18 Q. OKAY. YOU SAID HE SOUNDED STRESSED?

19 A. YES.

20 Q. OKAY.

21 BY THE COMMISSIONER:

22 IS THAT A YES?

23 BY THE WITNESS:

24 YES.

25 BY THE COMMISSIONER:

1 OKAY. THANK YOU.

2 CROSS EXAMINATION RESUMED BY MR. HUNDLEY:

3 Q. AND YOU'VE BEEN WORKING WITH LARRY A LONG TIME,
4 RIGHT?

5 A. YES.

6 Q. AND WHY WOULD HE BE STRESSED?

7 A. AS I PREVIOUSLY STATED, HE THOUGHT THAT -- WELL, ONE
8 OF THE COMPONENTS, IN MY JUDGMENT OF WHY HE WAS
9 EXCEPTIONALLY STRESSED, WAS HE TOLD ME IT WAS A
10 FRIEND. I GUESS HE THOUGHT THAT IT WAS A CLOSE
11 FRIEND OF HIS. I CAN'T REMEMBER THE NAME. AND THAT
12 GRIEVED HIM GREATLY.

13 Q. RIGHT. AND THERE WERE STILL, THE TESTIMONY IS,
14 HUNDREDS OF POLICE OFFICERS NEAR THE SCENE, SO HE
15 MAY HAVE HAD A LOT OF FRIENDS THERE, RIGHT?

16 A. POTENTIALLY, YES.

17 Q. RIGHT. BUT HE HAD TO BE IN THE COMMUNICATIONS
18 CENTER TO MONITOR -- I THINK THE KEY WORD THE
19 COMMISSIONER AND EVERYBODY IS FOCUSED ON --
20 CONGESTION, RIGHT?

21 A. YES.

22 Q. AND YOU SAID IF THE CONGESTION GOT TOO MUCH THEN
23 COMMUNICATIONS WOULD GO DOWN, RIGHT?

24 A. NO, I DID NOT SAY THAT.

25 Q. WHAT WOULD HAPPEN IF THE CONGESTION GOT TO BE TOO

1 MUCH?

2 A. PEOPLE WOULD -- OFFICERS OR EMERGENCY RESPONDERS
3 WOULD BE PUT IN A QUEUE AND THEY MAY HAVE TO WAIT A
4 COUPLE SECONDS OR LONGER TO BE ABLE TO COMMUNICATE.

5 Q. ALL RIGHT. THE TESTIMONY WHILE YOU WERE SEQUESTERED
6 WAS COMMUNICATIONS WERE ACTUALLY AND ABSOLUTELY
7 CRITICAL TO THE SITUATION ON THE GROUND DURING THE
8 STANDOFF AND THE SHOOTING, AND YOU WOULDN'T DISAGREE
9 WITH THAT, WOULD YOU?

10 A. NO.

11 Q. A VERY LARGE RESPONSIBILITY TO MAINTAIN THE COMPUTER
12 SYSTEM EFFECTIVE AND RUNNING AND TO ENSURE THAT
13 THERE WAS NO CONGESTION?

14 A. WELL, HE WASN'T MAINTAINING THE COMPUTER SYSTEM. HE
15 WAS MONITORING THE COMPUTER SYSTEM.

16 Q. WELL, WHAT IF SOMETHING WENT WRONG?

17 A. THAT'S NOT WHY HE WAS THERE. HE WAS THERE NOT TO
18 MONITOR THE COMPUTER SYSTEM, BUT MONITOR THE RADIO
19 SYSTEM.

20 Q. OKAY. AND THERE WAS TESTIMONY HERE THAT HUNDREDS OF
21 PEOPLE FROM ALL JURISDICTIONS APPEARED AND WERE ALL
22 TRYING TO COMMUNICATE.

23 A. OKAY.

24 Q. OKAY? SO HE HAD A FAIRLY RESPONSIBLE JOB, BUT
25 YOU'RE SAYING IT WASN'T A RESPONSIBLE JOB?

1 A. YOUR QUESTIONS ARE NOT DIRECTIVE. CAN YOU REPHRASE
2 THAT?

3 Q. DID HE HAVE A RESPONSIBLE JOB CRITICAL TO THE
4 EMERGENCY RESPONSE?

5 BY THE COMMISSIONER:

6 THERE YOU GO.

7 WITNESS ANSWERS:

8 A. YES, SIR.

9 CROSS EXAMINATION RESUMED BY MR. HUNDLEY:

10 Q. HE DID?

11 A. YES, SIR.

12 Q. OKAY. AND YOU'VE ALREADY TESTIFIED THAT HE SEEMED
13 TO BE IN STRESS, CORRECT?

14 A. YES.

15 Q. OKAY. SHERIFF CANNON HAS TESTIFIED AND SAID, WELL,
16 YOU'VE GOT EMERGENCIES, NORMAL EMERGENCIES, AND THEN
17 YOU HAVE EMERGENCIES LIKE THIS, AND THIS WAS NOT A
18 NORMAL EMERGENCY. YOU DON'T CONSIDER THIS A NORMAL
19 EMERGENCY, DO YOU, AN OFFICER DOWN AND WHAT HAPPENED
20 ON SEPTEMBER 8TH?

21 A. NO.

22 Q. IT WAS NOT?

23 A. NO.

24 BY MR. HUNDLEY:

25 OKAY. THANK YOU.

1 BY THE COMMISSIONER:

2 ALL RIGHT. MR. WOOD?

3 BY MR. WOOD:

4 NOTHING FURTHER.

5 BY THE COMMISSIONER:

6 ALL RIGHT. CAN WE EXCUSE THIS GENTLEMAN?

7 BY MR. WOOD:

8 AS FAR AS I'M CONCERNED; YES, MA'AM.

9 BY THE COMMISSIONER:

10 MR. HUNDLEY?

11 BY MR. HUNDLEY:

12 THAT'S FINE.

13 BY THE COMMISSIONER:

14 THANK YOU, SIR. WE APPRECIATE YOUR TIME.

15 BY THE WITNESS:

16 YOU'RE WELCOME. THANK YOU, MA'AM.

17 BY THE COMMISSIONER:

18 ALL RIGHT. MR. WOOD?

19 BY MR. WOOD:

20 MARTIN KRATZ.

21 BY THE COMMISSIONER:

22 IF YOU WOULD BE SO KIND AS TO GO GET MR. KRATZ.

23 (OFF THE RECORD)

24 BY THE COMMISSIONER:

25 MR. KRATZ, WE'RE GOING TO PUT YOU IN THIS CHAIR

1 OVER HERE ACROSS THE ROOM. WE APPRECIATE YOUR
2 PATIENCE IN WAITING. AND ONCE YOU GET SEATED AND
3 SITUATED, IF YOU'LL RAISE YOUR RIGHT HAND.

4 * * * * * * * * * * * * * * *

5 THE WITNESS WAS DULY SWORN TO TELL THE TRUTH, THE
6 WHOLE TRUTH, AND NOTHING BUT THE TRUTH CONCERNING THE
7 MATTER HEREIN:

8 JOHN MARTIN KRATZ, JR.,

9 BEING FIRST DULY SWORN, TESTIFIED ON HIS OATH AS
10 FOLLOWS:

11 BY THE COMMISSIONER:

12 PLEASE STATE YOUR FULL NAME FOR THE RECORD.

13 BY THE WITNESS:

14 JOHN MARTIN KRATZ, JR.

15 BY THE COMMISSIONER:

16 THANK YOU. AND THAT'S K-R-A-T-Z?

17 BY THE WITNESS:

18 YES, MA'AM.

19 BY THE COMMISSIONER:

20 THANK YOU SO MUCH. PLEASE ANSWER ANY QUESTIONS

21 MR. WOOD HAS FOR YOU FIRST.

22 BY THE WITNESS:

23 OKAY.

24 DIRECT EXAMINATION BY MR. WOOD:

25 Q. IS IT OKAY IF I ADDRESS YOU AS MARTIN?

1 A. SURE.

2 Q. MARTIN, WHERE ARE YOU EMPLOYED?

3 A. CHARLESTON COUNTY GOVERNMENT.

4 Q. OKAY. AND WHAT'S YOUR POSITION THERE?

5 A. I'M THE MANAGER OF RADIO COMMUNICATIONS.

6 Q. OKAY. AND HOW LONG HAVE YOU BEEN IN THAT POSITION?

7 A. TWO AND A HALF YEARS, BE THREE YEARS IN DECEMBER.

8 Q. YOU'VE BEEN THE MANAGER ---

9 A. NOT THE MANAGER. EXCUSE ME. THE MANAGER WAS IN THE

10 END OF LAST YEAR.

11 Q. AND DID YOU -- WERE YOU PROMOTED TO THAT ROLE

12 FOLLOWING MR. BRITTON'S UNTIMELY AND UNFORTUNATE

13 DEATH?

14 A. I WAS.

15 Q. AND YOUR JOB PRIOR TO THAT HAD BEEN?

16 A. RADIO COMMUNICATIONS TECHNICIAN UNDER LARRY BRITTON.

17 Q. OKAY. ALL RIGHT. AND WHAT IS YOUR BACKGROUND?

18 WHAT EDUCATION AND PROFESSIONAL EXPERIENCE DID YOU

19 BRING TO THE JOB WITH THE COUNTY?

20 A. I'VE GOT A BUSINESS DEGREE FROM THE COLLEGE OF

21 CHARLESTON, AND PRIOR TO COMING ON TO RADIO

22 COMMUNICATIONS I WAS A VOLUNTEER FOR APPROXIMATELY

23 THREE YEARS WORKING WITH CHARLESTON COUNTY RADIO

24 COMMUNICATIONS WITH LARRY ON VARIOUS DIFFERENT

25 SPECIAL EVENTS AND THAT KIND OF STUFF BEFORE GETTING

1 HIRED ON AS A TECHNICIAN.

2 Q. WHERE IS THE RADIO COMMUNICATION DEPARTMENT'S
3 OFFICES OR BUILDING OR HEADQUARTERS?

4 A. 4371 HEADQUARTERS ROAD.

5 Q. AND THAT'S IN ---

6 A. NORTH ---

7 Q. WHERE IS THAT?

8 A. NORTH CHARLESTON.

9 Q. JUST TO HELP THE COMMISSIONER GET ORIENTED, IS THAT
10 FAIRLY NEAR THE COUNTY JAIL AND THE COUNTY BUILDING,
11 LEEDS AVENUE?

12 A. CORRECT. WE'RE RIGHT OFF AZALEA, RIGHT AROUND THE
13 CORNER FROM THE -- THE MAIN BUILDING IS OFF OF
14 BRIDGE VIEW.

15 Q. OKAY. WHAT WERE -- HOW LONG DID YOU WORK WITH MR.
16 BRITTON BEFORE HIS DEATH?

17 A. I WAS THERE FOR APPROXIMATELY, LET'S SEE, TWO YEARS,
18 CLOSE TO TWO YEARS.

19 Q. AND DO YOU HAVE ANY BACKGROUND OR TRAINING IN THE
20 FIELD OF EMERGENCY RESPONSE?

21 A. AS A VOLUNTEER WITH CHARLESTON COUNTY RESCUE FOR
22 SEVERAL YEARS.

23 Q. TELL US ABOUT -- WELL, LET ME ASK YOU THIS QUESTION
24 FIRST. IS EMERGENCY RESPONSE, AVAILABILITY 24/7 ---

25 A. YES.

1 Q. --- TO RESPOND TO EMERGENCIES, IS THAT A KNOWN AND
2 DISCLOSED COMPONENT OF YOUR CURRENT JOB?

3 A. IT IS PART OF IT; YES, SIR.

4 Q. OKAY. WAS IT A KNOWN AND DISCLOSED COMPONENT OF
5 YOUR JOB WHEN YOU WORKED UNDER MR. BRITTON?

6 A. YES.

7 Q. OKAY. WHAT WERE LARRY'S NORMAL WORKING HOURS?

8 A. NORMALLY BETWEEN SEVEN AND SEVEN-THIRTY IN THE
9 MORNING WE'D COME IN AND LEAVE ANYWHERE BETWEEN
10 THREE-THIRTY AND FOUR IN THE AFTERNOON.

11 Q. OKAY. IN TERMS OF AN EMERGENCY RESPONSE PROTOCOL,
12 CAN YOU DESCRIBE FOR THE COMMISSIONER WHAT YOUR
13 DEPARTMENT -- WHETHER YOUR DEPARTMENT HAD ONE.

14 A. THERE'S NO WRITTEN PROTOCOL, IF YOU WILL, ON EXACTLY
15 WHAT TO DO BECAUSE EVERY EMERGENCY IS DIFFERENT.

16 Q. RIGHT.

17 A. BUT OUR MAIN FOCUS IS OBVIOUSLY COMMUNICATIONS AND
18 MAINTAINING COMMUNICATIONS BETWEEN THE RESPONDERS ON
19 THE SCENE.

20 Q. THAT'S YOUR MISSION?

21 A. CORRECT.

22 Q. OKAY. CAN YOU EXPLAIN OR ELABORATE FOR THE
23 COMMISSIONER THE VARIOUS FACETS INVOLVED IN
24 ACCOMPLISHING THAT MISSION.

25 A. I DON'T KNOW HOW TO EXACTLY EXPLAIN THAT TO YOU, BUT

1 OUR ROLE IS TO MAINTAIN INTEROPERABILITY OF
2 COMMUNICATIONS FOR EVERYBODY GOING VIA RADIO
3 COMMUNICATIONS. SOMETIMES THAT CAN OVERLIE INTO
4 DATA, INTERNET-BASED COMMUNICATIONS, AND THEN EVEN
5 FURTHER INTO TELECOMMUNICATIONS IF IT NEEDED TO BE.
6 BUT OUR MAIN GOAL, OUR MAIN FOCUS IS THAT WE KEEP
7 THE RADIO SYSTEM UP AND RUNNING AND AVAILABLE FOR
8 INSTANT COMMUNICATIONS FOR ALL FIRST RESPONDERS, NO
9 MATTER THE AGENCY THAT'S RESPONDING. TO TAKE THAT
10 ONE STEP FURTHER WOULD BE TO ESTABLISH
11 COMMUNICATIONS FROM OUTSIDE AGENCIES RESPONDING IN
12 THAT MIGHT NOT HAVE EQUIPMENT ON OUR EXISTING
13 SYSTEM. SO THEY WOULDN'T BE ABLE TO TALK, SO WE
14 WOULD USE THE TOOLS THAT WE HAVE TO ESTABLISH
15 COMMUNICATIONS BETWEEN THOSE AGENCIES.

16 Q. IS THAT WHAT YOU AND MR. BRITTON WERE ENGAGED IN ON
17 THE EVENING OF SEPTEMBER 8TH INTO THE EARLY MORNING
18 HOURS OF SEPTEMBER 9?

19 A. YES, SIR.

20 Q. OKAY. MARTIN, WHAT IS YOUR CELL PHONE NUMBER,
21 PLEASE, SIR?

22 A. AREA CODE 843-693-2223.

23 Q. AND I THINK THAT'S THE RELEVANT ONE, BUT IF YOU
24 WOULD ALSO STATE FOR THE RECORD YOUR HOME TELEPHONE
25 NUMBER.

1 A. I DON'T HAVE ONE.

2 Q. YOU DON'T? OKAY. THAT MAKES THAT EASY. I NEED TO
3 GET RID OF MINE, WHAT IT COST. BUT, ANYWAY, DO YOU
4 RECALL LARRY'S CELL PHONE NUMBER?

5 A. NO, I DON'T. IT'S IN MY PHONE AS A SPEED DIAL.

6 Q. OKAY. ALL RIGHT. LET'S TALK ABOUT THE DAY IN
7 QUESTION, SEPTEMBER 8TH. WHAT WERE YOUR NORMAL
8 WORKING HOURS?

9 A. MY NORMAL WORKING HOURS WERE EIGHT TO FIVE.

10 Q. SO ALMOST MIRRORED LARRY'S, MAYBE A LITTLE LONGER?

11 A. CORRECT.

12 Q. OKAY. WHAT HAPPENED DURING THE COURSE OF THAT DAY
13 TO THE EXTENT YOU ---

14 A. NORMAL BUSINESS DAY. THERE WASN'T ANYTHING OUTSIDE
15 OF THE EVENT DURING OUR NORMAL BUSINESS HOURS.
16 THERE WAS NOTHING SPECIAL THAT CAME UP. WE HAD OUR
17 STAFF MEETING THAT WE DO WEEKLY, AND OTHER THAN THAT
18 IT WAS NORMAL BUSINESS.

19 Q. DID LARRY RELATE TO YOU DURING THE COURSE OF THAT
20 DAY ANY ISSUES OR PROBLEMS HE WAS HAVING FROM A
21 HEALTH STANDPOINT?

22 A. HE HAD SAID AROUND LUNCH THAT HE WAS FEELING A
23 LITTLE BAD, THAT MAYBE HIS SUGARS WERE OFF A LITTLE
24 BIT. AND THEN AFTER HE ATE LUNCH AND LATER IN THE
25 AFTERNOON HE SAID HE WAS FEELING FINE AND HE WAS

1 GONNA PROCEED ON TO HIS F.O.P. DINNER WHEN HE LEFT
2 WORK.

3 Q. OKAY. NOW, WHAT IS AN F.O.B. DINNER?

4 A. THE FRATERNAL ORDER OF POLICE. IT'S A GROUP OF LAW
5 ENFORCEMENT OFFICERS.

6 Q. IS IT F.O.P. OR F.O.B.?

7 A. F.O.P.

8 Q. OKAY. DID LARRY USE AN OUTLOOK COMPUTER CALENDARING
9 SYSTEM AT THE OFFICE?

10 A. YES.

11 Q. HAVE YOU SEEN THE SCREENSHOT FROM THAT PARTICULAR
12 DAY OF MR. BRITTON'S CALENDAR?

13 A. I BELIEVE YOU'VE SHOWN IT TO ME.

14 Q. OKAY. IS THAT CONSISTENT WITH WHAT YOU UNDERSTOOD
15 HIM TO BE DOING AFTER WORK THAT DAY?

16 A. GOING TO THE F.O.P. DINNER?

17 Q. YES, SIR.

18 A. YES, SIR.

19 Q. OKAY. AND DID YOU KNOW WHERE THE F.O.P. DINNER WAS?

20 A. THE F.O.P. IS NORMALLY HOUSED AT THE TRI-COUNTY
21 LODGE THREE, WHICH IS IN HANAHAN.

22 Q. OKAY. AND, AGAIN, JUST FOR THE COMMISSIONER'S
23 BENEFIT, CAN YOU DESCRIBE FOR HER WHERE HANAHAN IS
24 IN RELATION TO THE RADIO COMMUNICATIONS BUILDING?

25 A. FIVE TO TEN MILES AWAY OFF OF -- WHEN YOU GET TO

1 NORTH -- OR REMOUNT ROAD WOULD TAKE YOU THERE,
2 REMOUNT OF OFF RIVERS.

3 Q. GENERALLY SPEAKING, WOULD IT BE FAIR TO DESCRIBE IT
4 AS BEING SORT OF BETWEEN NORTH CHARLESTON AND GOOSE
5 CREEK, OUT BY TRIDENT TECHNICAL COLLEGE?

6 A. YES.

7 Q. OKAY. HOW LONG WOULD IT TAKE JUST ON AVERAGE, WOULD
8 YOU ESTIMATE, TO GET FROM THE LOCATION OF THE F.O.P.
9 DINNER TO THE RADIO COMMUNICATIONS BUILDING DURING
10 THE EIGHT TO NINE O'CLOCK HOUR IN THE EVENING?

11 A. TEN MINUTES.

12 Q. DID YOU HAVE ANY COMMUNICATION WITH MR. BRITTON
13 AFTER HE LEFT THE OFFICE THAT AFTERNOON ON SEPTEMBER
14 8TH?

15 A. NOT BEFORE THE COMMUNICATIONS LEADING TO US
16 RESPONDING, NO.

17 Q. OKAY. ALL RIGHT. AND YOUR -- WHERE WERE YOU --
18 WELL, HOW DID YOU -- HOW DID THAT COMMUNICATION COME
19 ABOUT WHEN THE ACTIVATION OF THE RESPONSE WAS ---

20 A. LARRY CALLED ME AND ASKED ME IF I WAS AWARE OF WHAT
21 WAS GOING ON AND TO WHICH I TOLD HIM, NO, I DIDN'T
22 HAVE MY RADIO NEARBY ME AT THE TIME. I WAS MAKING
23 DINNER FOR THE FAMILY. AND ASKED ME TO PLEASE TURN
24 ON TO -- I DON'T EVEN REMEMBER WHAT THE CHANNEL WAS
25 THAT WE WERE WORKING ON THE RADIO, BUT ASKED ME TO

1 TUNE IN AND START LISTENING, THAT IT WAS POSSIBLE WE
2 HAD TWO OFFICERS THAT WERE DOWN.

3 Q. AND WHERE WAS HE AT THAT TIME?

4 A. I BELIEVE HE WAS AT THE F.O.P. DINNER. I DIDN'T ASK
5 THAT WHEN I HEARD TWO OFFICERS WERE DOWN.

6 Q. OKAY. DO YOU HAVE A RECOLLECTION AS TO WHAT TIME
7 THAT INITIAL CALL FROM LARRY CAME THAT EVENING?

8 A. I NORMALLY EAT DINNER SOMEWHERE BETWEEN SEVEN AND
9 EIGHT-THIRTY. SO THAT'S ABOUT THE ONLY REAL
10 JUDGMENT ON TIME I HAVE THERE, IS MY KIDS HAD JUST
11 BEEN PUT TO BED, AND I LITERALLY JUST SAT DOWN TO
12 START DINNER.

13 Q. IF MR. BRITTON'S CELL PHONE RECORDS INDICATE THAT HE
14 CALLED YOUR CELL PHONE AT ELEVEN MINUTES AFTER EIGHT
15 IN THE EVENING ON SEPTEMBER 8TH, WOULD THAT SOUND

16 ---

17 A. YES, SIR.

18 Q. --- PLAUSIBLE?

19 A. YES, SIR.

20 Q. OKAY. ALL RIGHT. AND DID YOU -- WHAT DID YOU SAY
21 LARRY ASKED YOU TO DO WHEN HE CALLED YOU?

22 A. HE SAID -- HE ASKED ME TO TUNE IN TO THE CHANNEL
23 THAT THE INCIDENT WAS BEING CONTROLLED ON TO START
24 MONITORING THE EVENT, AND HE THEN ASKED ME TO GET IN
25 CONTACT WITH OUR SHERIFF'S OFFICE LIAISON FOR THE

1 COMMAND POST AND SEE WHAT THEY NEEDED FROM US.

2 Q. OKAY. AND DID YOU DO THAT?

3 A. YEP. I SURE DID.

4 Q. YOU HAD A CONTACT WITHIN THE SHERIFF'S OFFICE?

5 A. YES, SIR.

6 Q. AND DID YOU REPORT BACK TO LARRY VIA CELL PHONE?

7 A. I DID.

8 Q. DO YOU RECALL WHETHER YOU GOT HIM THE FIRST TIME OR

9 WHETHER YOU WENT INTO VOICEMAIL?

10 A. I DON'T.

11 Q. OKAY. ALL RIGHT.. IF THE CELL PHONE RECORDS REFLECT

12 THAT YOUR CALL BACK WAS AT 8:16 AND WENT INTO

13 VOICEMAIL AND THAT MR. BRITTON CALLED YOU BACK AT

14 8:27, WOULD YOU HAVE ANY REASON TO ---

15 A. I WOULDN'T HAVE ANY REASON TO CHALLENGE THAT, NO.

16 Q. OKAY. ALL RIGHT. AND I ASSUME YOU REPORTED TO MR.

17 BRITTON AT THAT -- OR DID YOU REPORT TO MR. BRITTON

18 AT THAT TIME WHAT YOUR SHERIFF'S DEPARTMENT OR

19 SHERIFF'S OFFICE CONTACT HAD REQUESTED?

20 A. YES.

21 Q. OKAY. AND WHAT DID -- WHAT DID MR. BRITTON TELL YOU

22 TO DO?

23 A. HE TOLD ME TO MEET HIM AT THE OFFICE AND THAT WE

24 WOULD GET ALL OUR EQUIPMENT TOGETHER THERE AND

25 FIGURE OUT OUR RESPONSE.

1 Q. OKAY. ALL RIGHT. DO YOU REMEMBER ANYTHING -- WAS
2 THERE ANYTHING OUT OF THE -- WAS THERE ANYTHING
3 ABOUT THE WEATHER THAT AFFECTED YOUR -- THE AMOUNT
4 OF TIME IT WAS TAKING YOU TO GET FROM YOUR HOUSE TO
5 THE RADIO COMMUNICATIONS BUILDING?

6 A. IT WAS POURING DOWN RAIN THAT NIGHT.

7 Q. OKAY. YOU REMEMBER THAT DISTINCTLY?

8 A. AT THE TIME OF THE RESPONSE, YEAH.

9 Q. OKAY. YOUR HOME, YOU RESIDE IN MOUNT PLEASANT; IS
10 THAT CORRECT?

11 A. YES, SIR.

12 Q. OKAY. AND YOU WERE RESIDING THERE IN THE SAME PLACE
13 ON SEPTEMBER 8TH OF LAST YEAR?

14 A. YES, SIR.

15 Q. MARTIN, HOW MUCH TIME WOULD YOU ESTIMATE IT TOOK YOU
16 TO GET TO THE RADIO COMMUNICATIONS BUILDING AFTER
17 MR. BRITTON -- AFTER YOUR SECOND PHONE CONVERSATION
18 WITH MR. BRITTON?

19 A. PROBABLY 20 MINUTES, WOULD BE MY ESTIMATE.

20 Q. OKAY. AND WHAT DID YOU UNDERSTAND MR. BRITTON TO BE
21 DOING?

22 A. HEADING TO THE OFFICE TO MEET ME THERE AS WELL.

23 Q. OKAY. AND THAT WAS AT THE TIME OR -- WAS THAT AT
24 THE TIME OF THE SECOND PHONE CALL OR YOUR SECOND
25 TELEPHONE CONVERSATION WITH HIM THAT NIGHT OR ---

1 A. I DON'T REMEMBER IF I TALKED TO HIM IN THE CAR ON
2 THE WAY OR ALL BEFORE. I KNOW I WOULD HAVE TALKED
3 TO HIM AT THE HOUSE, OBVIOUSLY, AND THEN PROBABLY
4 TALKED TO HIM -- I WOULDN'T HAVE LEFT MY HOUSE UNTIL
5 AFTER I HAD TALKED TO HIM AFTER I HAD TALKED TO THE
6 SHERIFF'S OFFICE. SO I WOULD NOT HAVE LEFT MY HOUSE
7 UNTIL I WAS TOLD BY HIM THAT, OKAY, YES, HERE'S WHAT
8 WE'RE GONNA DO AND HERE'S WHERE WE'RE MEETING.
9 WHETHER I TALKED TO HIM IN THE CAR ON THE WAY TO THE
10 OFFICE, I DON'T RECALL.

11 Q. OKAY. ALL RIGHT. AND WHEN YOU ARRIVED -- YOU
12 INDICATED IT WOULD PROBABLY TAKE YOU ABOUT -- TOOK
13 YOU 20 MINUTES TO GET THERE?

14 A. SHOULD BE ABOUT RIGHT; YES, SIR.

15 Q. OKAY. ALL RIGHT. AND WHEN YOU ARRIVED, WHAT WAS
16 MR. BRITTON DOING?

17 A. HE WAS UPSTAIRS IN OUR EQUIPMENT ROOM MONITORING THE
18 SYSTEM, AND I DON'T RECALL IF HE WAS PULLING AUDIO
19 YET AT THAT POINT OR NOT, BUT HE WAS -- HE WAS
20 MONITORING THE SYSTEM, MONITORING THE CALL.

21 Q. OKAY. AND IS THAT ONE OF THE FUNCTIONS OF THE RADIO
22 COMMUNICATIONS DEPARTMENT ---

23 A. YES, SIR.

24 Q. --- WHEN THERE'S AN EMERGENCY EVENT?

25 A. YES, SIR.

1 Q. WHAT DID YOU DO?

2 A. I CONVERSED WITH HIM ON WHAT EQUIPMENT WE NEEDED.
3 IT HAD BEEN REQUESTED WE BRING RADIOS BY THE
4 SHERIFF'S OFFICE, BACKUP INTERNET CAPABILITIES,
5 BATTERIES, LAPEL MICS, DIFFERENT MICROPHONES AND
6 ACCESSORIES FOR RADIOS. SO HIM AND I WENT OVER A
7 LIST OF STUFF AND THEN I STARTED LOADING THE TRUCK.

8 Q. OKAY. AND WHEN YOU SAY THE TRUCK ---

9 A. THE TAHOE, THE COUNTY-ISSUED WORK VEHICLE.

10 Q. OKAY. THAT'S THE VEHICLE THAT THE RADIO
11 COMMUNICATIONS DEPARTMENT -- THAT THE COUNTY
12 PROVIDES FOR YOU ALL TO UTILIZE?

13 A. CORRECT.

14 Q. SO YOU LOADED THE MATERIALS, AND WHAT DID YOU DO?

15 A. HEADED ON TO MEET -- I MET THE COMMAND POST ON THE
16 ROAD JUST OVER ON THE OTHER SIDE OF COSGROVE BRIDGE.
17 I WAITED ON THEM AND THEN FOLLOWED THEM INTO THE
18 SCENE, 'CAUSE I WAS THERE TO RESPOND WITH THEM. IN
19 A SCENE LIKE THAT THERE'S GONNA BE A LOT OF
20 CONTROLS, SO I WAITED ON THEM TO GO IN.

21 Q. AND WHEN YOU LEFT MR. BRITTON, WHEN YOU LEFT THE
22 BUILDING, WHAT WAS MR. BRITTON DOING?

23 A. SAME, SITTING IN THE SYSTEM ROOM MONITORING THE
24 SYSTEM.

25 Q. OKAY. WE'VE HAD SEVERAL WITNESSES COVER THIS, BUT

1 JUST BRIEFLY, WHERE WAS THE INCIDENT SCENE?

2 A. ON -- WHAT'S THE NAME OF THE ROAD? HIGHWAY 171,
3 RIGHT OFF OF COSGROVE, NEAR -- ALMOST -- WELL, IT'S
4 NOT -- ALMOST TO HIGHWAY 61. I DON'T KNOW ---

5 Q. IS THAT ---

6 A. --- THE NAME OF THE APARTMENT COMPLEX.

7 Q. THAT'S FINE. IS IT IN THE WEST ASHLEY AREA OF TOWN?

8 A. YES.

9 Q. AND HOW FAR OR HOW LONG WOULD YOU ESTIMATE AT THAT
10 TIME OF THE EVENING MONDAY NIGHT IT WOULD TAKE YOU
11 TO GET FROM THE RADIO COMMUNICATIONS DEPARTMENT TO
12 THE INCIDENT COMMAND POST WHERE YOU WENT?

13 A. ABOUT TEN MINUTES.

14 Q. OKAY. ALL RIGHT. WAS MR. BRITTON EVER ON THE
15 EMERGENCY SCENE THAT NIGHT?

16 A. NO, SIR.

17 Q. DO YOU HAVE AN -- GIVEN SORT OF THE TIME LINE THAT
18 WE JUST WENT THROUGH WITH THE PHONE CALLS AND SO
19 FORTH, DO YOU HAVE AN ESTIMATE AS TO WHAT TIME YOU
20 WOULD HAVE ARRIVED AT THE INCIDENT COMMAND POST?

21 A. IF I LEFT MY HOUSE AROUND THE 8:30 MARK, AFTER THE
22 OFFICE I PROBABLY WOULD HAVE GOTTEN TO THE SCENE
23 AROUND 9:30, 10:00, SOMEWHERE IN THERE.

24 Q. ALL RIGHT. HAD -- THE DEPUTIES THAT HAD BEEN
25 WOUNDED IN THE INCIDENT, HAD THEY BEEN REMOVED FROM

1 THE SCENE WHEN YOU ARRIVED?

2 A. I AM NOT AWARE. I DON'T KNOW.

3 Q. YOU DON'T KNOW WHAT TIME THAT OCCURRED?

4 A. NO, SIR.

5 Q. OKAY. DID YOU WITNESS ANY GUNFIRE?

6 A. NO.

7 Q. DID YOU WITNESS EITHER OF THE DEPUTIES IN A WOUNDED

8 STATE?

9 A. NO.

10 Q. WHAT DID YOU DO ON THE SCENE?

11 A. I GOT WITH OUR CONTACT FROM THE SHERIFF'S OFFICE AND

12 BEGAN SETTING UP THEIR COMMAND POST, STANDARD NORMAL

13 POWER PROCEDURES AND GETTING ALL THE SYSTEMS UP AND

14 RUNNING.

15 Q. OKAY. ALL RIGHT. AND WHAT DOES THE TERM CONGESTION

16 MEAN IN THE VERNACULAR OF THE RADIO COMMUNICATIONS

17 DEPARTMENT?

18 A. FOR US THE CONGESTION ON THE SYSTEMS IS WHEN OUR

19 SYSTEM IS REACHING CAPACITY, WE'RE STARTING TO GET

20 TO WHERE BUSIES ARE GONNA OCCUR, WHERE WE'RE RUNNING

21 OUT OF CHANNEL AVAILABILITY.

22 Q. OKAY. WAS THERE ANY CONGESTION THAT NIGHT WITH THE

23 RADIO COMMUNICATIONS SYSTEM?

24 A. WE DID NOT REACH A HUNDRED PERCENT, NO, BUT...

25 Q. DID YOU HAVE ANY COMMUNICATIONS WITH MR. BRITTON

1 AFTER YOU ARRIVED AT THE SCENE?

2 A. YES.

3 Q. AND WHAT WERE THE NATURE OF -- WAS THAT -- LET ME
4 ASK YOU THIS QUESTION FIRST. WAS THAT ALL VIA YOUR
5 CELL PHONE NUMBER -- OR, EXCUSE ME, YOUR CELL PHONE?

6 A. IT WOULD BE MY CELL PHONE AND MY RADIO.

7 Q. OKAY. ALL RIGHT. SOME OF YOUR COMMUNICATIONS WITH
8 HIM WERE BY YOUR CELL PHONE?

9 A. CORRECT.

10 Q. AND WERE YOU CALLING HIM ON HIS CELL PHONE?

11 A. I WOULD HAVE EITHER CALLED HIM ON HIS PHONE OR HE
12 WOULD HAVE CALLED ME FROM THE SYSTEM ROOM PHONE
13 LINE.

14 Q. OKAY. ALL RIGHT. IF THE PHONE RECORDS INDICATE
15 VARIOUS COMMUNICATIONS AND TEXT MESSAGES FROM YOUR
16 CELL PHONE TO MR. BRITTON'S CELL PHONE THAT EVENING
17 DURING THE -- LET'S SEE -- 2200 WOULD BE 10:00, ON
18 UP UNTIL SLIGHTLY AFTER MIDNIGHT, WOULD THAT BE
19 CONSISTENT WITH YOUR RECOLLECTION?

20 A. YES.

21 Q. OKAY. AND WHAT WERE -- WHAT WERE DISCUSSED DURING
22 THOSE PHONE CALLS OR TEXT MESSAGES?

23 A. MOST OF IT WAS JUST CHECKING IN WITH HIM, HOW IS THE
24 SYSTEM DOING AND WHAT'S GOING ON, ON THE SCENE, DO
25 YOU NEED ANYTHING FROM ME KIND OF STUFF. AND AT ONE

1 POINT WE WERE WORKING ON OBTAINING THE AUDIO
2 RECORDINGS FROM THE BEGINNING OF THE CALL WHEN THE
3 FIRST TWO OFFICERS ARRIVED ON SCENE THAT STARTED ALL
4 OF THIS. THE COMMAND STAFF ON SCENE HAD REQUESTED
5 THOSE LIVE AUDIO RECORDINGS SO THAT THEY COULD
6 REPLAY IT TO SEE IF THERE WAS ANY DETAILS THAT THEY
7 MAY HAVE MISSED OR WOULD HELP THEM WITH THE CASE.

8 Q. OKAY. AT SOME POINT IN THE EVENING DID YOU BECOME
9 AWARE OF MR. BRITTON'S HEALTH SITUATION?

10 A. I RECEIVED A CALL FROM THE SECOND IN COMMAND AT THE
11 DISPATCH CENTER WANTING TO KNOW LARRY'S WHEREABOUTS.
12 THEY WERE KIND OF CONFUSED AT THAT POINT THAT HE WAS
13 ON THE PHONE WITH 911.

14 Q. OKAY. AND THEY CALLED YOU ON YOUR CELL PHONE OR VIA
15 RADIO?

16 A. THEY CALLED ME ON MY CELL PHONE 'CAUSE THEY WERE
17 CONFUSED 'CAUSE THEY THOUGHT HE WAS WITH ME OR I WAS
18 WITH HIM, AND THEY DIDN'T QUITE KNOW WHY HE WAS
19 CALLING 911.

20 Q. OKAY.

21 A. WELL, THEY KNEW THE MEDICAL REASON. THEY DIDN'T
22 KNOW ---

23 Q. THEY DIDN'T KNOW WHERE HE WAS? DID THEY KNOW ---

24 A. THEY DIDN'T KNOW -- THEY DID NOT KNOW WHERE HE WAS
25 AT THAT POINT. THERE WAS CONFUSION AS TO -- THEY

1 WERE UNDER THE IMPRESSION EVERYBODY WAS ON THE SCENE
2 WHERE MEDICAL STAFF IS, SO WHY IS HE CALLING 911
3 VERSUS JUST WALKING TO A MEDIC.

4 Q. RIGHT. OKAY. ALL RIGHT. AND WHAT DID YOU DO IN
5 RESPONSE TO THAT PHONE CALL?

6 A. I TOLD THEM THAT HE WAS AT THE RADIO SHOP WORKING
7 THE CALL FROM THE OFFICE, AND THEY SAID, "WELL,
8 WE'VE GOT POLICE AND FIRE -- FIRE AND EMS ON THE WAY
9 THERE. WE NEED TO GET TO HIM. CAN WE GET THERE?"
10 AND I SAID, "NO. THE DOORS ARE LOCKED." SO I
11 IMMEDIATELY DROPPED WHAT I WAS DOING, GOT IN THE
12 CAR, AND HEADED OVER THERE.

13 Q. OKAY. THE DOORS WERE LOCKED, YOU SAID?

14 A. YES, SIR.

15 Q. IS THERE -- TO YOUR KNOWLEDGE, WAS THERE ANYBODY
16 ELSE AT THE RADIO COMMUNICATIONS DEPARTMENT BUILDING
17 THAT NIGHT OTHER THAN YOURSELF AND MR. BRITTON?

18 A. THE ONLY OTHER PEOPLE THAT WOULD COME IN AFTER HOURS
19 ON A NORMAL BASIS WOULD BE THE CLEANING CREW.

20 Q. OKAY. AND WHEN YOU ARRIVED BACK AT THE SHOP OR THE
21 BUILDING, WHAT DID YOU DO?

22 A. UNLOCKED THE DOOR AND WENT STRAIGHT UPSTAIRS TO
23 WHERE LARRY WAS.

24 Q. AND WHAT WAS THE STATUS OF THE EMERGENCY RESPONDERS
25 ON THAT CALL AT THAT POINT?

1 A. THEY WERE PULLING IN. THE FIRE DEPARTMENT PULLED IN
2 RIGHT BEHIND ME, AND THE MEDIC UNITS CAME IN A
3 COUPLE MINUTES LATER. AT THAT POINT I DON'T KNOW
4 WHAT TIME EVERYTHING HAPPENED. BUT FIRE CAME UP THE
5 STEPS WITHIN A MINUTE OF ME BEING UPSTAIRS.

6 Q. DID YOU HAVE SOME DISCUSSION WITH THE PARAMEDICS OR
7 THE EMTs OR THE FIRE DEPARTMENT CONCERNING MR.
8 BRITTON'S SITUATION?

9 A. THEY HAD ASKED WHAT WAS GOING ON, TO WHICH LARRY WAS
10 TALKING. HE TOLD MOST OF THE STORY. AND THE MEDICS
11 -- I HAD TOLD THE MEDICS THAT LARRY WAS FEELING A
12 LITTLE BIT BAD BEFORE LUNCH BUT THAT HE THOUGHT HIS
13 SUGARS WERE JUST OFF AND AFTER HE ATE LUNCH HE FELT
14 BETTER. AND THAT'S THE ONLY HISTORY I GAVE THEM.
15 THEY PROCEEDED TO GO BACK TO TALKING TO HIM.

16 Q. MARTIN, WHAT TIME WOULD THIS HAVE BEEN WHEN YOU
17 ARRIVED BACK AT THE RADIO COMMUNICATIONS SHOP?

18 A. SOMEWHERE AROUND 1:00 IN THE MORNING. I DON'T KNOW
19 WHAT TIME, TO BE HONEST WITH YOU, WHAT TIME THAT
20 FIRST CALL CAME IN.

21 Q. OKAY.

22 A. IT SHOULD BE ON MY PHONE RECORD.

23 Q. WELL, LET ME ASK YOU THIS. IF THE EMS REPORT
24 INDICATES THAT THE CALL WAS RECEIVED FROM MR.
25 BRITTON AT 1:25 IN THE MORNING, 1:25 A.M., SEPTEMBER

- 1 9, WOULD THAT ---
- 2 A. THAT'S CLOSE.
- 3 Q. OKAY.
- 4 A. I'D BEEN OUT THERE FOR SO LONG, I DIDN'T KNOW WHAT
- 5 TIME IT WAS.
- 6 Q. OKAY. NOW, THERE -- ACCORDING TO THE PHONE RECORDS,
- 7 THERE WERE A COUPLE MORE CALLS -- WELL, LET ME ASK
- 8 YOU THIS. DID YOU UTILIZE MR. BRITTON'S CELL PHONE
- 9 FOR ANY ---
- 10 A. I DID. AS SOON AS HE GOT IN THE MEDIC UNIT I CALLED
- 11 HIS WIFE, MARSHA BRITTON.
- 12 Q. OKAY. AND YOU -- DID YOU OPERATE YOUR OWN VEHICLE
- 13 OR THE COUNTY VEHICLE TO FOLLOW THE AMBULANCE TO THE
- 14 HOSPITAL?
- 15 A. COUNTY VEHICLE.
- 16 Q. COUNTY VEHICLE, OKAY. AND YOU -- DID YOU REPORT TO
- 17 MR. TUNICK CONCERNING WHAT WAS GOING ON?
- 18 A. MR. TUNICK AND I HAD TALKED BEFORE LARRY WAS
- 19 TRANSPORTED AWAY. HE HAD CALLED ME WHILE WE WERE
- 20 THERE WHILE THE MEDICS WERE DOING THEIR EVALUATION.
- 21 Q. MARTIN, CAN YOU DESCRIBE THE TRAINING THAT TAKES
- 22 PLACE WITHIN THE RADIO COMMUNICATIONS DEPARTMENT AS
- 23 IT RELATES TO MONITORING OF THE COMMUNICATIONS
- 24 NETWORK SYSTEM?
- 25 A. THE SYSTEM ITSELF IS MOSTLY ON-THE-JOB TRAINING.

1 THERE'S VERY LITTLE SPECIFIC TRAINING FROM MOTOROLA
2 OR ANY OTHER AGENCY ON IT. IT'S MORE ON-THE-JOB,
3 WHERE LARRY TAUGHT ME ABOUT THE SYSTEM AND SHOWED ME
4 THE SYSTEM AND HOW IT WORKS, AND THEN OUR -- OUR
5 MOTOROLA VENDORS, YOU KNOW, KEEP THAT GOING.

6 Q. YOU MENTIONED TO ME AT ONE POINT DURING ONE
7 CONVERSATION SOMETHING ABOUT I.H.S. OR THERE WERE A
8 COUPLE OF ACRONYM TRAINING TERMS THAT YOU HAD USED.
9 DO YOU ---

10 A. THOSE DON'T RELATE DIRECTLY TO THE RADIO SYSTEM, BUT
11 FOR EMERGENCY MANAGEMENT THERE'S NIMS, WHICH IS THE
12 NATIONAL INCIDENT MANAGEMENT SYSTEM, AND I.C.S., THE
13 INCIDENT COMMAND SYSTEM. THOSE HAVE VARIOUS
14 DIFFERENT LEVELS OF TRAINING. THEY'RE BUILT AND
15 DESIGNED BY THE FEDERAL GOVERNMENT AND FEMA AND
16 HEALTH AND HUMAN SERVICES, THAT TEACH US HOW TO
17 MANAGE EMERGENCY SCENES BASED ON THE PAPERWORK SIDE
18 OR THE HIERARCHY OF COMMAND AND STRUCTURE, IF YOU
19 WILL.

20 BY MR. WOOD:

21 MARTIN, THAT'S ALL THE QUESTION I HAVE. I
22 APPRECIATE YOU ATTENDING TODAY. PLEASE ANSWER ANY
23 QUESTIONS MR. HUNDLEY OR THE COMMISSIONER HAS FOR
24 YOU.

25 BY THE COMMISSIONER:

1 MR. HUNDLEY.

2 CROSS EXAMINATION BY MR. HUNDLEY:

3 Q. MR. KRATZ, YOU WERE ON THE SCENE THAT NIGHT?

4 A. YES, SIR.

5 Q. WHAT WAS THE SCENE LIKE?

6 A. BY THE TIME I GOT THERE IT HAD CALMED DOWN A LITTLE
7 BIT, BUT THERE WAS STILL A LOT OF PEOPLE MOVING
8 AROUND, A LITTLE CHAOTIC. THEY HAD KIND OF PUT
9 THINGS ON PAUSE, FROM WHAT I UNDERSTAND, WAITING ON
10 SLED TO COME IN DUE TO THE NATURE OF WHAT WAS GOING
11 ON, AN OFFICER-INVOLVED SHOOTING AND STILL NOT
12 KNOWING WHERE THIS ASSAILANT WAS AND WHETHER HE WAS
13 ALIVE OR READY TO START SHOOTING AGAIN. THEY WERE
14 WAITING ON SLED TO GET THERE TO TAKE CHARGE OF THE
15 SCENE. BUT THAT WAS ALL FROM ME OVERHEARING STUFF
16 AS I'M GETTING THE COMMAND POST SET UP. I, IN MY
17 ROLE, DON'T -- DON'T PAY -- OR DON'T INTERACT TO GET
18 THOSE BRIEFINGS, IF YOU WILL.

19 Q. AND YOU SAID YOU PRIMARILY DO COMMUNICATIONS, I
20 UNDERSTAND. BUT A TENSE ENVIRONMENT?

21 A. YES, ABSOLUTELY.

22 Q. OKAY. AND YOU'VE DONE THIS FOR SEVERAL YEARS, AND
23 YOU'VE BEEN INVOLVED IN EMERGENCY RESPONSES, RIGHT?

24 A. YES, SIR.

25 Q. SHERIFF CANNON SAYS THAT YOU'VE GOT NORMAL

1 EMERGENCIES AND YOU'VE GOT EMERGENCIES LIKE THIS.
2 WOULD YOU CONSIDER THIS A NORMAL EMERGENCY ---
3 A. THE ---
4 Q. --- ON SEPTEMBER THE 8TH?
5 A. THE RESPONSE -- NO. THE SHORT ANSWER IS NO. IT'S
6 -- WHAT WE DO TO RESPOND TO AN EMERGENCY IS NORMAL.
7 WHAT WE WERE DOING IT -- WHY WE WERE HAVING TO DO IT
8 THAT NIGHT, NO, IT WAS NOT NORMAL.
9 Q. OKAY. AND SO YOU WOULDN'T DISAGREE WITH SHERIFF
10 CANNON'S OPINION THAT IT WAS AN UNUSUAL AND
11 EXCEPTIONAL EVENING ---
12 A. I WOULD NOT DISAGREE.
13 Q. --- ON WHAT WENT ON? PARDON ME?
14 A. I WOULD NOT DISAGREE WITH THAT.
15 Q. OKAY. AND ARE YOU FAMILIAR WITH CORONER RAE WOOTEN?
16 A. YES.
17 Q. AND YOU WOULD NOT DISAGREE WITH HER IF SHE THOUGHT
18 IT WAS AN UNUSUAL OR EXCEPTIONAL CONDITION OF
19 EMPLOYMENT THAT NIGHT OR SITUATION?
20 A. NO, I WOULD NOT DISAGREE WITH THAT.
21 Q. AND DO YOU KNOW DR. SHEALY?
22 A. YES, SIR.
23 Q. OKAY. AND DR. SHEALY TESTIFIED AND HE'S GOT MORE
24 EXPERIENCE THAN ANYBODY I'VE EVER MET ON EMERGENCY
25 RESPONDERS LOCALLY AND NATIONWIDE, RIGHT?

1 A. COMPARED TO A LOT OF PEOPLE.. I DON'T KNOW. I KNOW
2 HIM. I KNOW ---

3 Q. WELL, IF HE SAYS HE QUIT COUNTING AT 4,000 ---

4 A. OKAY.

5 Q. HE THOUGHT THIS PARTICULAR SITUATION WITH AN OFFICER
6 DOWN WAS A UNIQUE CONDITION OF EMPLOYMENT. IT'S NOT
7 YOUR NORMAL AND USUAL EMERGENCY RESPONSE, IS IT?

8 A. THANK GOODNESS, NO, IT'S NOT.

9 Q. OKAY. AND, FINALLY, I MEAN, YOU'RE NOT A DOCTOR,
10 BUT HAVE YOU READ DR. WILSON'S REPORTS?

11 A. NO, I HAVE NOT.

12 Q. OKAY. AND HE FOUND THAT IT WAS MEDICALLY RELATED,
13 HIS HEART ATTACK WAS CAUSED BY THE STRESSFUL
14 CONDITIONS OF EMPLOYMENT ON THIS NIGHT. AND YOU
15 WOULDN'T DISAGREE WITH THAT, WOULD YOU?

16 A. I DON'T KNOW THAT I HAVE AN OPINION ON THAT, TO BE
17 HONEST WITH YOU.

18 Q. THANK YOU. LET ME ASK YOU THIS THEN. AND THERE'S
19 BEEN SOME TESTIMONY THAT YOU ALL HAVE -- PART OF
20 YOUR JOB IS TO RESPOND TO EMERGENCIES, RIGHT?

21 A. YES, SIR.

22 Q. AND ONE OF THEM WAS TO RESPOND TO A FOREST FIRE, AND
23 YOU HAD TO WORK OVERTIME, RIGHT?

24 A. THAT WAS BEFORE I CAME ON, BUT LARRY DID IT; YES,
25 SIR.

1 Q. RIGHT. AND THEN ONE TIME THERE WAS ICE ON THE
2 BRIDGE AND YOU HAD TO WORK OVERTIME, RIGHT?

3 A. YES, SIR.

4 Q. OKAY. THIS WASN'T LIKE THAT, WAS IT?

5 A. NO, SIR.

6 BY MR. HUNDLEY:

7 THAT'S ALL I'VE GOT, COMMISSIONER.

8 BY THE COMMISSIONER:

9 MR. WOOD?

10 BY MR. WOOD:

11 NOTHING FURTHER.

12 BY THE COMMISSIONER:

13 ANY OTHER WITNESSES?

14 BY MR. WOOD:

15 NO, MA'AM, OTHER THAN THE DEPOSITIONS WE HANDED
16 UP.

17 BY THE COMMISSIONER:

18 ALL RIGHT. THAT CONCLUDES THIS PROCEEDING.

19 (THERE BEING NO FURTHER QUESTIONS, THIS HEARING WAS
20 CONCLUDED AT THE HOUR OF 1:37 P.M.)

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
COLUMBIA, SOUTH CAROLINA
WCC FILE NO. 1414226

EMPLOYEE/CLAIMANT: LAURENT BRITTON

EMPLOYER: CHARLESTON COUNTY

CARRIER: SOUTH CAROLINA ASSOCIATION OF COUNTIES SIF

I, TIMMI A. PARRISH, A NOTARY PUBLIC FOR THE STATE OF SOUTH CAROLINA, DULY COMMISSIONED AND QUALIFIED AS SUCH, DO HEREBY CERTIFY THAT THE FOREGOING 167 PAGES REPRESENTS A TRUE AND ACCURATE TRANSCRIPT OF THE FOREGOING HEARING OF LAURENT BRITTON, TAKEN ON THE 19TH DAY OF JUNE, 2015.

THAT THE WITNESS WAS DULY PLACED UNDER OATH AND ADMONISHED TO SPEAK THE WHOLE TRUTH. THAT THE ORAL HEARING WAS DULY TAKEN AND TRANSCRIBED AS TO THE QUESTIONS PROPOUNDED AND THE ANSWERS GIVEN.

THAT ALL THE OFFERED EXHIBITS, STIPULATIONS AND OBJECTIONS, IF ANY, INVOLVED IN THIS CASE ARE DULY ATTACHED OR INCLUDED HEREIN.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL THIS 14TH DAY OF AUGUST, 2015.

TIMMI A. PARRISH
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 11-20-2018

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

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1414226

Court of Appeals Case No. 2016-000595

Laurent W. Britton, Decedent/Employee, and
Marsha P. Britton, Claimant, ... Respondents,

v.

Charleston County, Employer, and
SC Association of Counties, SIF, Carrier, ... Appellants.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Appendix to Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

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September 16, 2016