

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
G. Thomas Cooper, Jr., Circuit Court Judge

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S.C. SUPREME COURT

Appellant Case No. 2019-001815
Lower Case No. 2019-GS-23-01146A

The State, ... Respondent,

vs.

William D. Lewis Appellant.

RECORD ON APPEAL
VOLUME III

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1 the transition. So I thought it was appropriate
2 for the amount of time she was working to give her
3 a raise. Apparently she did to, because she put
4 it in her lawsuit.

5 Q Did you actually get the raise for her?

6 A Actually, the raise was approved.

7 Q It was approved. And who approved that raise?

8 A Well, Joe Kernell approved it, because

9 Addie Hampton received \$68,000 a year over
10 Savannah's \$62,000 a year. So Addie got the raise
11 that we asked for from the county administrator.

12 Q So you're saying that Addie Hampton at \$68,000
13 wouldn't be over the cap of what is paid to an
14 administrative coordinator?

15 A Based on the numbers that you give me
16 earlier, she would be over the cap as an
17 administrative coordinator, but I do not know
18 those number for the cap.

19 Q And she was hired as administrative coordinator,
20 correct?

21 A Who?

22 Q Addie Hampton.

23 A Addie Hampton was, yes. She was hired as the
24 administrative coordinator. The same position
25 that Savannah had.

1 Q Now, I'm going to show you --

2 MR. THOMPSON: Let's mark what will be
3 Number 21.

4 MR. WISE: I do have an objection to
5 this.

6 MR. THOMPSON: There is an objection,
7 Your Honor.

8 THE COURT: All right. Ladies and
9 Gentlemen, let me take this up with the lawyers.
10 I'm going to ask you to go to the jury room for
11 just a few minutes. I'm watching the clock too.
12 We'll -- this will be a very short break. I mean,
13 might be a turn around break. Don't discuss the
14 case amongst yourselves while you're in the jury
15 room.

16 (Jury exits the courtroom at 5:44 p.m.)

17 THE COURT: The witness needs a break.
18 Can I take this up with the two of you with him
19 out of the room?

20 MR. WISE: I don't think he's going to be
21 surprised at what this is about.

22 THE COURT: Okay.

23 MR. WISE: We discussed what this is
24 about. We discussed it.

25 THE COURT: Okay. This is on the record.

1 MR. THOMPSON: Judge, this is a filing of
2 responses and objections of Sheriff, Will Lewis in
3 the Greenville County Sheriff's Office. It claims
4 the first set of requests the admit to defendant.
5 It's the filing from the civil case in which in
6 response Number 6, the question is, Please admit
7 that Will Lewis purchased lubricant during a trip
8 to Charlotte at some point between March 7, 2017
9 and March 9, 2017, and the response is,
10 admitted.

11 THE COURT: All right.

12 MR. WISE: That is not Mr. Lewis's
13 signature on it. It is not verified. He was
14 asked --

15 THE COURT: Haven't we been through this
16 before with the complaint?

17 MR. THOMPSON: Yes, and it was let in.

18 MR. WISE: Yes, but that was simply about
19 her claim. Are you claiming, and she said, yes.

20 But the point is, if they want to bring
21 in this lawyer who signed that pleading and have
22 them testify that Will Lewis told her that, it
23 would be admissible.

24 THE COURT: We can apply the same logic.
25 I mean, offered the complaint.

1 MR. WISE: They didn't ask about it. But
2 this is a little different, too, when you're
3 dealing with a defendant too.

4 MR. BRACKETT: It isn't, Judge, because
5 it was his official answer at that time. This
6 is --

7 THE COURT: Read it again.

8 MR. THOMPSON: It's number 6. It's says,
9 Please admit that Will Lewis purchased lubricant
10 during a trip to Charlotte --

11 THE COURT: Lubricant.

12 MR. THOMPSON: Yes. -- at some point
13 between March 7th, 2017 and March 9th, 2018, and
14 the response is, admitted.

15 THE COURT: Why don't you ask him that
16 question?

17 MR. WISE: My point is, it's not
18 verified.

19 THE COURT: No. Without using that
20 document. If he denies it --

21 MR. THOMPSON: Then I can use the
22 document?

23 THE COURT: You can impeach him. Or you
24 can bring his lawyer.

25 MR. WISE: I think he can bring the

1 lawyer, that's correct.

2 MR. THOMPSON: The defendant is
3 responsible for his answer.

4 THE COURT: But it's not verified.

5 MR. THOMPSON: Judge, it is.

6 THE COURT: It's not verified.

7 MR. THOMPSON: How is it not verified?
8 It was filed as the official answer in court.

9 THE COURT: I understand that. Do you
10 understand what I mean by verified? It's not
11 verified by this man here, as the complaint was
12 not verified by Miss Nabors. She didn't verify
13 that complaint. It's the same objection. You
14 made it to the complaint. I don't -- I'll say it
15 for the record, I don't like throwing around
16 pleadings in a criminal case and get -- proving a
17 criminal case by using civil documents that are
18 not verified. It just -- I don't approve of that.

19 Now, it's happened once in this case, but
20 there was no objection. Now there's an objection.

21 I'm going to sustain the objection.

22 MR. WISE: Okay.

23 MR. THOMPSON: Judge, can I clarify? I
24 can ask him, but I can't bring this document in.

25 THE COURT: Right.

1 MR. THOMPSON: Okay.

2 THE COURT: You can say, didn't you tell
3 your lawyer, but that may be privileged. He may
4 refuse.

5 MR. WISE: We're going to have to argue
6 privilege for that.

7 MR. THOMPSON: After it's been through
8 the lawsuit, Judge, I don't know that it is
9 privilege anymore when it's the answer within
10 the --

11 THE COURT: Well --

12 MR. THOMPSON: Yes, sir.

13 MR. WISE: I think the privilege part is,
14 the question deals with the actual conversation.
15 I don't know where this came from.

16 THE COURT: You don't know where the
17 complain from?

18 MR. WISE: I know where document came
19 from. I don't know where the answer came from,
20 because he was asked the same question in a
21 deposition. You know, he said --

22 THE COURT: Well, there might be another
23 way to prove it.

24 MR. WISE: Well, there is. If the lawyer
25 came it and said that's what he told me

1 THE COURT: I don't know -- I don't want
2 to spend half the night talking about lubricant.

3 Are you ready for the jury?

4 MR. THOMPSON: Yes, Your Honor.

5 THE COURT: Bring the jury.

6 All right. Mr. Thompson, what's your
7 schedule look like?

8 MR. THOMPSON: It's still going to be a
9 little, Judge.

10 THE COURT: Well, I'm not going to keep
11 them that late. I'm not going to keep the jury
12 past 6:00. You have more cross-examination?

13 MR. THOMPSON: Yes, I have more than just
14 seven minutes.

15 THE COURT: All right. Then we'll -- you
16 still want to come in at ten o'clock?

17 MR. WISE: 9:30 is fine, if we're going
18 to be through with cross-examination.

19 THE COURT: I'm going to excuse the jury
20 for the night.

21 MR. WISE: My thought was to come in at
22 9:30 --

23 THE COURT: I understand. We'll do the
24 charge conference.

25 MR. WISE: Maybe we can just work it in

1 later.

2 THE COURT: We'll do it later.

3 All right. I'm going to excuse the jury.
4 Bring the jury.

5 (Jury enters the courtroom at 5:55 p.m.)

6 THE COURT: All right, Ladies and
7 Gentlemen, it's been a long day. We're going to
8 adjourn until the morning. I've been advised by
9 counsel that the cross-examination is still
10 somewhat lengthy, so we'll resume at 9:30 in the
11 morning. We should finish tomorrow. I have every
12 expectation that we will finish tomorrow. I'll
13 don't have a crystal ball though.

14 So I'm going to excuse you now for the
15 evening and ask that you not, again, discuss the
16 case with anyone else over the evening hours.
17 Don't do any independent research. Don't watch
18 the news, please. And I found that this week -- I
19 mean, I'm a news junkie, and this week I get home
20 so late I don't get to watch the news, I don't
21 miss it. I found out.

22 So, anyway, we will see you at 9:30 in
23 the morning. Drive carefully.

24 (Jury exits the courtroom at 5:56 p.m.)

25 All right. Mr. Thompson, this will give

1 you 12 or so hours to focus your cross-examination
2 so we can move right along in the morning.

3 Stand at ease until 9:30. I emailed both of
4 you proposed jury instructions.

5 Mr. Lewis, I know that you needed a break.
6 You're not -- you're under instructions not to talk to
7 your attorney about this, or anybody else over the
8 evening hours, except your family. But you
9 certainly --

10 MR. WISE: Your Honor, the only problem I
11 have with that is, he probably needs to be
12 informed what we discussed in his absence while he
13 went to the rest room.

14 THE COURT: Oh.

15 MR. WISE: I don't mind telling the
16 Court, I'll just discuss that with him another
17 day.

18 THE COURT: There was a question about
19 buying lubricant in Charlotte, and your counsel
20 objected to that line of questioning based on some
21 documents that Mr. Thompson had. I sustained the
22 objection. I did not allow it.

23 MR. WISE: Well, technically, I think you
24 sustained the objection or the admissibility of
25 the document.

1 THE COURT: Yeah.

2 MR. WISE: Okay.

3 THE COURT: Thank you for clarifying.

4 MR. WISE: We had discussed this earlier,
5 so it's no surprise to him.

6 THE COURT: Okay. Stand at ease.

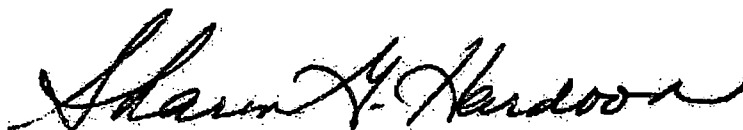
7 (The trial was adjourned at 5:56 p.m.)
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CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, II for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions for Greenville County, South Carolina.

I do further certify that I am neither kin, counsel, nor interest to any party hereto.

February 16, 2020



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, II

1 STATE OF SOUTH CAROLINA.
2 IN GENERAL SESSIONS
3 COUNTY OF GREENVILLE

4 The State of South Carolina,

5 Plaintiff,

6 vs.

Transcript of Record
2018-GS-23-02466A
2019-GS-23-1146A

7 William D. Lewis,

8 Defendant.

9
10 October 24, 2019
11 Greenville, South Carolina
12 Volume IV

13 B E F O R E:

14 The HONORABLE G. THOMAS COOPER

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

16 Kevin S. Brackett, Representing the State of South
17 Carolina
18 Willy Thompson, Representing the State of South
19 Carolina
Leslie Robinson, Representing the State of South
Carolina

20 Rauch Wise, Representing the Defendant,
21 William D. Lewis

22
23 SHARON G. HARDOON, CSR
24 Official Circuit Court Reporter
25

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1 THE BAILIFF: All rise. The Honorable
2 Judge Cooper presiding.

3 THE COURT: Thank you, be seated.

4 State ready to proceed?

5 MR. BRACKETT: The State is ready, Your
6 Honor.

7 MR. WISE: Defense is ready to proceed.

8 THE COURT: Mr. Lewis, will you take the
9 stand, please?

10 All right. Bring the jury, please.

11 (Jury enters the courtroom at 9:33 a.m.)

12 THE COURT: Morning, Ladies and
13 Gentlemen.

14 JURY PANEL: Morning.

15 THE COURT: We are ready to continue the
16 trial.

17 Mr. Thompson, you may continue.

18 MR. THOMPSON: May it please the Court,
19 Your Honor?

20 CONTINUATION OF CROSS-EXAMINATION

21 BY MR. THOMPSON:

22 Q Good morning, Mr. Lewis.

23 A Good morning.

24 Q Let's start off with something a little easy this
25 morning.

1 A Okay.

2 Q You would agree with me that as the elected
3 Sheriff of Greenville County you were a public
4 official, right?

5 A Yes.

6 Q All right. And as well, this is an election that
7 happens once every four years, correct?

8 A That is correct.

9 Q And it is for the jurisdiction of Greenville
10 County?

11 A It is.

12 Q And for the sheriff in that jurisdiction?

13 A It is.

14 Q And so that also qualifies you as a public
15 officer?

16 A Yes, sir.

17 Q Okay.

18 A I would say so.

19 Q All right. Now, you had mentioned something about
20 an audit on your direct testimony. And one thing
21 about an audit is that an audit can't tell is, when
22 you're paying for hotel rooms for a conference, if
23 there is something untoward going on in the hotel
24 room, can it?

25 A Sorry. Ask me that again.

1 Q What an audit can't tell is -- if you've paid for
2 a hotel room with public funds for a conference, it
3 can't tell if something untoward or something wrong
4 occurs during the time that you have that hotel room?

5 A An audit cannot, no, sir. I would assume so.
6 No, sir.

7 Q So, in other words, a clear audit does not mean
8 that there's nothing that's wrong, that you could have
9 never committed anything wrong with public funds,
10 correct?

11 A The way that I understand the audit is that
12 they conducted the audit to look for if
13 inappropriate spending occurred, any
14 misappropriations of spending at all, and we came
15 back clear. That's what I meant.

16 Q And, again, but it can't tell if there was
17 something untoward done in something that appears to
18 be an illegitimate payment, correct?

19 A Sorry. Can you explain the word to me that
20 you're saying? "Un" what?

21 Q Untoward.

22 A I don't know what that means.

23 Q Something wrong being done for or at that hotel
24 room.

25 A I would assume not. No.

1 Q Right. Because they just look at numbers.

2 A That's correct.

3 Q Okay. Now, when we talked a little bit about B.,
4 or Brandon -- and, actually, the real reason Brandon
5 was trying to talk to you so much was he was -- he had
6 to leave the law enforcement under bad circumstances,
7 correct?

8 A I don't know the circumstances behind
9 Brandon's leaving. I know that he -- I know that
10 he resigned, I believe, under duress.

11 Q And what he was wanting you to do is to give him
12 some position so that he could put on his paperwork
13 that he left under good conditions, correct, so that
14 when he went to his trade shows, that didn't look bad.

15 A I can't speak for that. Brandon was retired.
16 He had retired credentials, a badge. He was under
17 what we would call HR 218, which is, I believe, a
18 federal law that allows him to carry a firearm
19 just like a retired officer.

20 So I can't speak for his reasoning by wanting
21 to come back other than what I testified to
22 yesterday.

23 Q Now, you had mentioned on your direct too that you
24 were never contacted by SLED to talk to SLED?

25 A That is correct.

Testimony of William Lewis

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1 Q But, in fact, you had hired an attorney, and SLED
2 contacted your attorney, didn't they?

3 A Not to my knowledge.

4 Q They contacted your attorney three times to try
5 and talk to you, didn't they?

6 A Not to my knowledge. I was never informed
7 that SLED wanted to talk to me, and I actually
8 volunteered to speak multiple times to SLED.

9 Q Ultimately, you declined to speak to SLED through
10 your attorney, didn't you?

11 A I did not.

12 Q But said that you would give text and prepare a
13 statement, that doesn't ring any bells?

14 A I never --

15 Q You never did those. You never presented text or
16 prepared statements?

17 A I never did.

18 Q Let's turn our attention now back to Charlotte,
19 you were the one who decided to do the Charlotte trip,
20 correct?

21 A I do not remember it that way. I remember
22 Joe Kernell suggesting that we go out of town,
23 however, I do agree that it was a good idea based
24 on the circumstances that we could get to know
25 each other, get out of town, get away from all the

1 distractions here at Greenville to be able to try
2 to discuss the budget.

3 Q And, actually, you decided -- you were trying to
4 decide whether to go to Charlotte or Atlanta, correct?

5 A We were initially deciding between Charlotte
6 and Atlanta, and Charlotte was more fiscally
7 responsible. Atlanta was much more expensive.

8 Q And so, ultimately, you decided Charlotte.

9 A Ultimately, we did decide Charlotte.

10 Q Now, Savannah Nabors had told you that she was
11 separated from her husband, correct?

12 A She did. She had by this point, yes, sir.

13 Q And it was shortly after that that you asked her
14 to go on the trip to Charlotte?

15 A I don't remember when we started planning the
16 trip to Charlotte. I would say -- if we left in
17 March, I would say it was a couple weeks before
18 that we had started planning it.

19 Q Okay. But what I'm asking you is: When you
20 invited Savannah -- because when you started -- when
21 you started planning it, you didn't have -- Savannah
22 wasn't told at that point in time, right, that you
23 were going to invite her?

24 A Savannah was told from the beginning that she
25 needed to get six rooms.

1 Q That she needed to get what?

2 A Six rooms. She needed to reserve six
3 rooms.

4 Q You hadn't yet decided on Charlotte. What I'm
5 asking is -- let's go back to the original question.

6 A Okay.

7 Q You knew that she was separated at the time you
8 started talking to her about going to Charlotte.

9 A I don't remember when we started talking
10 about going on the budget trip, so I don't know if
11 I knew she was separated at the time or not.

12 Q Okay.

13 A I can't remember.

14 Q And the Charlotte trip was paid by Sheriff's
15 Department's funds, at least the Sheriff's Department
16 section of it, correct?

17 A The sheriff's office section, I'm assuming,
18 was paid for with sheriff's office funds through
19 the procurement process that John Hansley
20 explained, because I don't recall ever receiving a
21 check that we paid for the hotel rooms with. So I
22 believe everything was on the credit card and
23 reserved, and that has to go through the financial
24 process that John Hansley used.

25 Q And you have a travel fund in the Sheriff's

1 Department?

2 A We do have a travel fund.

3 Q And that fund was what was used to pay for the
4 trip, correct?

5 A I cannot speak for that. I would venture to
6 say it probably was.

7 Q Okay. Because you didn't pay personally for the
8 trip?

9 A I did not pay personally.

10 Q And no one else from your department paid
11 personally for the trip?

12 A Not to my knowledge.

13 Q All right. Let me show you State's Exhibit Number
14 14. If you would go through those real quick just so
15 that you know what they are.

16 A Yes, sir.

17 Q All right. And do those appear to be the receipts
18 that were turned in for the Charlotte trip?

19 A They appear to be the receipts for myself,
20 Savannah, and Marcus Davenport.

21 Q And there's three hotel receipts in that, correct,
22 one for each room?

23 A Yes, sir. It looks like there are three
24 receipts here.

25 Q All right. And then there's multiple receipts for

1 the places where you went to eat, correct?

2 A Yes. There are receipts for the places that
3 we went to eat, yes, sir.

4 Q And of the copies of the receipts, I believe
5 there's only one that's actually signed by one of you
6 all? It's going to be a restaurant receipt, I
7 believe.

8 A Yes.

9 Q And that is your signature, right?

10 A That is my signature on -- where it says
11 name, that is my signature. But that is not my
12 signature. That's not my signature right there
13 (indicating).

14 Q Okay. So on the restaurant --

15 A That right there looks like my handwriting.
16 That does not look like my handwriting
17 (indicating). So where it says actual signature,
18 that is not my handwriting.

19 Q But you signed that receipt?

20 A I did. Right where it says name, I signed
21 it. But where, it says signature, that is not my
22 signature.

23 Q All right. But you signed the receipts. So it
24 might be the wrong line, but it's signed by you,
25 correct?

1 A I'm not going to concede to the fact that
2 it's certified. That is my signature on there,
3 but that is not my signature on the signature
4 line.

5 Q You're not even going to agree that some of the
6 receipts that you did were signed by you?

7 A No. I said it was signed by me, but that's
8 not my signature. That's the question you asked
9 me.

10 Q All right. Now, you mentioned that when you
11 arrived that you and Savannah were together, right?

12 A Yes.

13 Q And you had a bottle of Jack Daniel's with you?

14 A Yes.

15 Q But you did not have it in your suitcase. You had
16 it out.

17 A That's correct.

18 Q All right. And you were bringing that because you
19 like to bring those -- to bring that, you know, to
20 have a nightcap, that sort of thing?

21 A If I choose to go back to my room at the end
22 of the evening and have a nightcap, then I like to
23 make sure I have my own so I don't have to pay for
24 something else.

25 Q All right. But now you all did go out and drink a

1 fair amount while you were there, right, or at least a
2 couple of drinks every place, right?

3 A We did go out to drink, yes.

4 Q Right. So, you still think there's a necessity
5 for a nightcap after all of that?

6 A I mean, I wouldn't say that there's a
7 necessity for it, but sometimes I enjoy a
8 nightcap.

9 Q All right. So you're saying when you go back to
10 your room that's what you'd like to do?

11 A Yes, sir. At home, I sometimes have a
12 nightcap in the evening. I mean, when I'm out
13 somewhere, I mean, I want to have a nightcap.

14 Q But you took the bottle and put it on Savannah's
15 suitcase.

16 A The bottle was placed on top of Savannah's
17 suitcase.

18 Q By you.

19 A Yes. I pulled it out of the back of my car
20 and put it on the top of Savannah's bag.

21 Q Now, each of you have had one bag a piece; is that
22 correct?

23 A I don't recall.

24 Q You had multiple bags for two nights?

25 A I don't recall how many bags Savannah had. I

1 believe I just had one suitcase.

2 Q Okay. And so nothing prevented you from carrying
3 that bottle as well?

4 A I don't think it would have prevented me --
5 anything would have prevented me from carrying it,
6 not.

7 Q But you put it on Savannah's suitcase so that she
8 would take it to her room?

9 A No. I put it on Savannah's suitcase for
10 whatever reason on the top to carry it. It was on
11 top of the bag, but I --

12 Q Why didn't you carry it?

13 A I don't know. I have no idea why I didn't
14 carry it.

15 Q Well, the answer is pretty simple, isn't it? You
16 wanted to get to Savannah's room. You wanted to have
17 an excuse to go there that night, didn't you?

18 A No, that's not correct.

19 Q So, you all went up in the elevator together,
20 right?

21 A When we first --

22 Q When you first got in there and were going to go
23 to your rooms.

24 A I don't recall initially getting on the
25 elevator. I don't know if we did or not.

1 Q But there's any number of times while you were --
2 I'm assuming you checked in, obviously, before you
3 went to your room, right?

4 A We did check in.

5 Q So, there's any number of times you could have
6 taken that bottle off of Savannah's bag and taken it
7 yourself.

8 A That seems reasonable, yes, sir.

9 Q And there's no prohibition from carrying a bottle
10 of liquor into a hotel.

11 A No, not to my knowledge.

12 Q And so you could have done that easily and had it
13 in your room, and wouldn't have had to bother anyone
14 else.

15 A I'm sorry. Ask me that again.

16 Q You could have done that easily, taken it to your
17 room and not bothered anyone else.

18 A I could have.

19 Q Didn't at any point that you think, as the
20 sheriff, as the boss of the other people there,
21 especially a 22-year old female, that it would be a
22 good idea not to give her the liquor so that you would
23 have to go to her room, but to rather take it yourself
24 so that wouldn't put you in that situation?

25 A The thought never crossed my mind.

1 Q So, as we discussed yesterday, law enforcement,
2 you know, again, is trained to try to avoid bad
3 situations if they can, right?

4 A Yes. We attempt to try to avoid as much as
5 we can.

6 Q But the reason you did this is because you did not
7 want to avoid the bad situation. You wanted to create
8 it, didn't you?

9 A That is absolutely incorrect.

10 Q But you can't tell me any other reason why you
11 would put your bottle on her bag and have her take it
12 to her room, can you?

13 A I don't have any reason for that, other than
14 placing the bottle on her bag.

15 Q Because as you mentioned, one of the purposes --
16 or, really, the purpose for bringing the liquor for
17 you was to have a nightcap?

18 A Yes.

19 Q So you knew when you were going to get the liquor,
20 it would be nighttime. It would be after all events
21 were done, and that's when you wanted your nightcap,
22 so that's when you'd have to go to Savannah's room to
23 get it?

24 A It's reasonable to assume that a nightcap
25 means at night, but I don't understand what you're

1 asking me after that. Are you asking me -- what?

2 Q I'm asking, you knew that you'd have to go to
3 Savannah's room at night. That whole thing, your whole
4 purpose of bringing it, as you said, was to have a
5 nightcap. So you know if you have to get it before
6 you drink it, you're going to have go to Savannah's
7 room and you're going to wait until the nighttime to
8 do that after you've gone to everything else, right?

9 A Based on those circumstances that night, I
10 had to go to Savannah's room to get my bottle, if I
11 wanted to have a nightcap. That's correct.

12 Q And you planned it that way?

13 A No, sir. I did not plan it that way.

14 Q And you didn't think in any way that, as her boss,
15 that might be a bad idea to go to her room late at
16 night?

17 A Absolutely. Looking back on it now, it was a
18 horrible idea.

19 Q And especially when you both had been drinking?

20 A We had both been drinking, yes.

21 Q And you agree that you had opportunity to get that
22 bottle before you went to Savannah's room?

23 A If we got on the elevator together, I could
24 have taken it off of her bag and taken it back to
25 my room, yes.

1 Q And it is your -- is it your contention that you
2 never talked to Savannah about that bottle after you
3 put it on her suitcase?

4 A I don't recall talking to Savannah about the
5 bottle. At one point, I think she may have asked
6 me, you know, why are you putting it on top of my
7 bag, or something like that, when we were going
8 into the lobby, and I don't remember why I didn't
9 carry it, or if, in fact, I was actually carrying
10 her bag, because I don't recall how many suitcases
11 she had. I may very well been carrying her bag.
12 I don't know.

13 Q Which would have made it easier for you to get the
14 bottle after you set it there.

15 A If I was carrying her bag, then once we got
16 the elevator, I absolutely could have gotten the
17 bottle and taken it back to my room, as I've
18 already said.

19 Q Now, when you actually went to Savannah's room that
20 night, you poured two drinks, one for you, one for
21 her, right?

22 A I did.

23 Q And you were the one who suggested or asked if she
24 wanted to have a nightcap?

25 A When I went back to get the bottle, I did ask

1 if she wanted a nightcap, yes.

2 Q And as her boss, again, the sheriff, you didn't
3 think there was something that would be bad about
4 that. You didn't understand the circumstance that you
5 were putting her and you in at that point?

6 A Looking back on it, I absolutely see that the
7 circumstances I was putting the two of us in.

8 Q And that was inappropriate?

9 A It turned out to be a very inappropriate
10 thing.

11 Q Now, according to your testimony you're saying
12 basically that you sat down, you watched television,
13 you turned on the, I guess the Sports Channel to watch
14 something about spring training in baseball, right?

15 A I believe it was Sports Center that I turned
16 on.

17 Q Okay. And basically those things progressed from
18 there?

19 A I'm sorry.

20 Q Things progressed from there.

21 A Things did progress from there.

22 Q And Savannah told you at that time, reminded you
23 that you're married, this isn't a good thing?

24 A I do not remember Savannah ever talking about
25 my wife. I don't remember that conversation.

1 Q And you and Savannah -- as a matter of fact, you
2 talked to Savannah about how you were having problems
3 with your relationship with your wife. You talked to
4 her at length about that, didn't you?

5 A At that time I did not talk to Savannah about
6 how I was having problems with my wife. We talked
7 about that at a later time.

8 Q So, you didn't talk about it there, but you talk
9 about that at a later time?

10 A We did talk about it at a later time.

11 Q How much later?

12 A I would say several weeks, maybe, I don't
13 know. Probably -- I don't know. The first time
14 that I can recall having a conversation with her
15 that I'm reminded of, is when I first start
16 talking to Savannah in her driveway. I discussed
17 what, at the time, I think -- I thought were
18 problems between my wife and I, mostly brought on
19 by me and my working so much. Looking back on it
20 now, I understand that that was me. That was not
21 in any way my wife.

22 Q And so you're saying I guess that would be some
23 month and a half later from the time that this
24 Charlotte trip occurred, because Charlotte was March
25 7th through the 9th, 2017, right?

1 A Again, I don't recall having a conversation
2 with her prior to that. I mean, if I had
3 mentioned it prior to that to her, then I would
4 not say that I didn't, because I just don't
5 recall.

6 Q And you would agree that it's not appropriate for
7 a boss to have that type of conversation with a
8 subordinate?

9 A I would say if it were a boss, subordinate
10 relationship, and there was a friendship involved,
11 then it would be inappropriate. But if your
12 working partner is your friend, I would have had
13 multiple conversations with many people who were
14 friends of mine, that were also subordinates, that
15 we had relationship conversations about, so that's
16 not uncommon.

17 Q It's not uncommon to complain to your 22-year-old
18 female subordinate that you and your wife are having
19 problems, and to the extent that you explained you
20 weren't having sex for some period of time?

21 A I don't recall saying that we were not having
22 sex for some period of time. I don't remember
23 having that conversation with Savannah at all.

24 I do remember talking to Savannah, like I said
25 a minute ago, about, you know, my relationship with

1 Amy. And that's just, again -- I mean, that's just --
2 the relationship with my wife at that point was good,
3 and I made it look -- I made it look bad.

4 Q So you lied to Savannah about it at that time?

5 A I did.

6 Q And that was because you wanted to get into a more
7 sexual relationship with Savannah?

8 A Like I said, listening back on the audios and
9 thinking, you know, that's exactly what it sounds
10 like, that I was continuing to try to pursue an
11 affair with a woman that was not my wife. Very,
12 very ashamed.

13 Q All right. So you said you don't remember telling
14 Savannah that you and your wife hadn't had sex for a
15 long time, correct?

16 A I do not remember that conversation.

17 Q But you're not denying that you said that, you're
18 just saying you don't remember?

19 A I'm not denying that I said that. But I'm
20 telling you, I don't remember having that
21 conversation with Savannah Nabors.

22 Q All right.

23 A I was -- I said a lot of things that I should
24 not have said. So, I very well could have said
25 something else that I should not have said.

1 Q Now, going back to the hotel, didn't it ever occur
2 to you that this was a HR nightmare, a human
3 resource's nightmare for you at that point in time?

4 A It did not.

5 Q But you're the sheriff running an entire
6 department with one of the biggest budgets in the
7 county, and you don't think that that's a bad idea
8 HR-wise?

9 A Absolutely. Now, I do. I mean, obviously.
10 It just -- you asked if it occurred to me that
11 night, and it did not occur to me that night.

12 Q And the reason it didn't occur to you that night
13 is because your intent that night was to have sex with
14 Savannah, wasn't it?

15 A My intent was not to have sex with
16 Savannah Nabors, no.

17 Q You set up everything perfectly so that you would
18 have that opportunity, didn't you?

19 A Things fell in line, bad decisions, bad
20 choices. You know, putting the bottle on top of
21 her bag, going up to there to get it, all of those
22 things were very bad decisions, but that was
23 absolutely not a set up for anything.

24 Q Okay. So they fell in line at your direction,
25 because you placed the bottle on her suitcase,

1 right?

2 A I did.

3 Q And you're the one who had to go up to her room,
4 right?

5 A A series of bad decisions that led to,
6 ultimately, an even worse decision.

7 Q So it's not by happenstance that this happened.
8 It didn't just fall in line. You did it. You're the
9 one who went back that night. Because you could have
10 just stopped and said, well, that's a bad idea. I'm
11 just going to go to bed and never gone to get that
12 bottle that night.

13 A I wish I would have done that. But, again,
14 it was a series of just bad decisions. It wasn't
15 a series of a set up events. It just -- that's
16 not what happened.

17 Q And then when you went to the room, you simply
18 could have gotten the bottle and walked away.

19 A I very much wish that that would have
20 happened.

21 Q And so you're telling us that this still isn't
22 planned when you say, you want to have a nightcap, you
23 want me to pour you one?

24 A It was not planned for me to go into
25 Savannah's room to have an affair. I did not do

1 that.

2 Q Now, you complain -- you claim everything, at that
3 point, was then consensual, correct?

4 A Claim?

5 Q Everything that happened after that in the hotel
6 room was consensual.

7 A That is correct. Everything was consensual.

8 Q All right. And so you believe that, in your mind,
9 this was a -- at the time, a fun and exciting thing to
10 do, correct?

11 A At the time, I really don't know what I was
12 thinking. Obviously, if I would have been
13 thinking, I would not have done it. Fun and
14 exciting does not come to mind at all.

15 Q But it was something that you enjoyed, correct?

16 A I mean, if you're asking me if this sexual
17 encounter is something that I enjoyed as a man,
18 then absolutely. You know, I'm like every other
19 man that has ever had a sexual encounter. I mean,
20 at the time, it seems, you know, blissful, but
21 it's the ramifications afterwards that if you're a
22 married man that just...

23 Q But you didn't face any ramifications immediately
24 afterward, did you?

25 A Personal ramifications, I did. Spiritual

1 ramifications, I did.

2 Q But you didn't, that night, go back to your hotel
3 room and say, oh, my gosh, I've cheated on my wife, I
4 need to call her and tell her now.

5 A Everything, except calling my wife and
6 telling her now, I did.

7 Q As a matter of fact, though, even with all the
8 guilt that you say you felt, at that point in time,
9 you continued to pursue Savannah?

10 A It definitely sounds like I continued to
11 pursue her. And, you know, I don't have any other
12 reasonable excuse for that. The audio tapes and
13 my actions showed that I continued to try and
14 pursue a woman that was not my wife.

15 Q So you would agree it's not just -- it sounds like
16 it, that's the truth, you did pursue her?

17 A That's what I just said. It absolutely
18 sounds like it, and that's the only excuse that I
19 have.

20 Q And so your guilt wasn't so great that you'd
21 stopped trying to have a relationship with Savannah?

22 A My wife and I had had discussions in the past
23 about if you ever cheat on me, or if anything ever
24 happens like that, then it's over. I was
25 absolutely scared to death that my wife was going

1 to leave me when she found out that I had had a
2 relationship with Savannah. That was -- I was
3 panicked. I was scared. I was concerned that my
4 20-year marriage that I had already ruined
5 spiritually would absolutely completely crumble,
6 and that was my -- that was my bad, that was my
7 problem.

8 Q So you decided the best way to handle that was to
9 continue in the affair?

10 A You know, if I'm being -- if I'm being honest
11 about that, I would say that it was probably the
12 fact that I knew my wife would probably find out
13 at some point. And if there was something that I
14 wanted to hold onto in a relationship somewhere,
15 somehow. And if it was Savannah's friendship that
16 I got to keep or a relationship with her, because
17 my wife was going to leave me once she found out,
18 I had a divorce, I mean, that's -- thinking back
19 on it, at the time, that did not cross my mind.
20 But thinking back on it after having a year and a
21 half to reflect, that would be the best answer
22 that I could give.

23 Q Sorry, but I'm losing track of your answer.

24 So going back to the question, if you could
25 just answer it, you felt at that time the best thing

1 to do was continue to pursue Savannah, because that's
2 what you did.

3 A Like I said just a minute ago --

4 Q Please answer yes or no, and then you can explain.

5 A I don't think I pursued Savannah. My thought
6 process at the time was not pursuing Savannah.

7 But, yes, absolutely, that's what it sounds
8 like.

9 Q It sounds like that because that's what you did,
10 correct?

11 A I, obviously, continued to attempt to pursue
12 something with Savannah, yes.

13 Q Now, at some point before you parted ways with
14 Savannah that night, you asked her if she was okay,
15 didn't you?

16 A I don't recall asking Savannah if she was
17 okay.

18 Q And you did that because she didn't look okay,
19 correct?

20 A I don't recall asking Savannah if she was
21 okay, so I don't remember.

22 Q So you're not saying you didn't say that. You're
23 just saying you don't recall saying that?

24 A I don't recall asking Savannah if she -- she
25 did look okay. She looked fine when I left.

1 Q So again, you don't deny saying it, you just don't
2 recall.

3 A I'm not going to sit on the stand and lie and
4 say that I didn't, because I don't recall it. I
5 don't recall asking Savannah if she was okay.

6 Q So you may have asked her that.

7 A I may very well have. I don't recall it.

8 Q Now, you went to the morning meeting. What time
9 did you get downstairs?

10 A Probably 8:30, 9:00. Somewhere around 8:30,
11 9:00 range.

12 Q And who was down there when you got down there?

13 A I remember Marcus being down there, and I
14 believe Joe Kernell was down there.

15 Q All right. And Savannah was not?

16 A Savannah was not.

17 Q So when you started the meeting, was that about
18 9:00 you started the meeting?

19 A As the best I can recall, it was probably
20 somewhere around there.

21 Q All right. So, at that point, you basically
22 discussed general budget principals, correct? How the
23 budget works, things like that. That's what they were
24 explaining to you.

25 A It seems like the beginning of morning was

1 predominantly they were explaining to me how the
2 budget actually worked. It was my first exposure
3 to the actual budget and how it fully functioned,
4 and what the processes were. So that was kind
5 of -- kind of the gist of the morning
6 conversation.

7 Q But Savanah was not down there for any of that?

8 A Savanah was not down there for that.

9 Q Right. And you didn't call her to ask her to come
10 down at that point.

11 A I don't remember. I remember her not being
12 there. And I remember the first contact I had
13 with Savanah was when we decided we were going to
14 get a cup of coffee to come back, and that's the
15 first contact I remember.

16 Q All right. And that would have been around little
17 after 11:00, correct?

18 A I mean, I don't remember what time. I mean,
19 if it was -- I mean, I think the text message from
20 Savanah was around 11:00.

21 Q Around 11:00. So the text would, kind of, show
22 you when it would be. If it's around 11:00, it's
23 around 11:00.

24 A Yeah, that would be right.

25 Q And she came -- or then you all started to meet at

1 that point, and she brought the package she had made
2 with her, right?

3 A Savannah met us on the road back to the hotel.
4 We walked up the street to the Starbucks about a
5 block away. As we were walking back down the
6 street, Savannah was walking up from the hotel, and
7 we turned around and went right back to the hotel
8 and started the meeting.

9 Q My question was: She brought the packets with
10 her?

11 A She had to bring the packets, yes.

12 Q Okay. Did she have them with her when she was out
13 on the street?

14 A Not that I remember.

15 Q So somehow they were just in the hotel room, or in
16 the hotel lobby area somewhere?

17 A Yeah, I don't remember that. I do remember
18 she did not have them when she walked up the
19 street.

20 Q Okay. And that would have just been a typed
21 proposal that you all had put together, the various, I
22 guess, captains or high ranking officials within your
23 agency had given you requests and you compiled them,
24 correct?

25 A Yes. Every division submitted, like I said

1 yesterday, a wants and needs list for the budget.

2 And that wants and needs list was compiled into

3 pamphlet form and then submitted as our

4 presentation for each division.

5 Q But now while you did this, Savannah didn't take
6 any notes in this meeting, did she?

7 A I hope Savannah took notes at the meeting.
8 That was her job.

9 Q But in the SLED investigation, as well as the
10 civil discovery, there's no notes of this meeting that
11 anyone could find, were there?

12 A There's no notes of several meetings that she
13 was supposed to take notes in.

14 Q All right. So it would indicate, if there are no
15 notes, no notes were taken?

16 A If she did not take notes, I did not take
17 notes. So if she didn't take notes, they were
18 probably not taken.

19 Q All right. And, of course, one of her main
20 responsibilities was to take notes, correct?

21 A Absolutely. That was one of her main
22 responsibilities.

23 Q And because you needed to review those notes.

24 A Absolutely.

25 Q But you don't ever recall reviewing any notes on

1 this, do you?

2 A No, sir.

3 Q Okay.

4 A I don't recall ever reviewing any notes from
5 that meeting.

6 Q And Savannah didn't have any budget experience?

7 A Not to my knowledge.

8 Q And, in reality, Savannah didn't even need to be on
9 this trip, did she?

10 A Savannah was the one who comprised all the
11 information. She's the one that actually talked
12 to the division commanders when they submitted
13 their request and information. So she had
14 information that I did not have. It was very
15 pertinent for her to be in Charlotte at that
16 meeting.

17 MR. THOMPSON: Mark this as a State's
18 Exhibit, please. State's Exhibit 22.

19 MR. WISE: No objection.

20 (STATE EXH. 22, Greenville County Sheriff's
21 Office 2017 salary adjustment proposal, was marked for
22 identification.)

23 BY MR. THOMPSON:

24 Q State's Exhibit 22 is the Greenville County
25 Sheriff's Office 2017 salary adjustment proposal. Is

1 that -- if you'll look at that, is that the proposal
2 that you all had in Charlotte with you?
3 A This does look familiar.
4 Q All right. So that would have been what she
5 helped prepare?
6 A This is a portion of what she helped prepare,
7 absolutely.
8 Q And that proposal is pretty self-explanatory,
9 right, as you read it? It's pretty easy to figure out
10 what the proposals are because they're stated
11 plainly?
12 A Until you get about halfway through, there's
13 just notes. But everything prior to that, that
14 I'm just looking at initially, seemed pretty
15 self-explanatory.
16 Q All right. And so -- but you understood what all
17 that was, correct?
18 A I understand what it is. Looking at it
19 closer, I don't understand how we got to these
20 numbers without reading it. It's been two years
21 since I've seen this, so...
22 Q Well, you had it in discovery. You never looked
23 at it?
24 A No, I haven't seen this in two years.
25 Q Not even in the civil case?

1 A I don't recall seeing this in the civil
2 case.

3 Q And, again, Savannah had no budget experience?

4 A No, not to my knowledge.

5 Q You were the one who discussed this with
6 Joe Kernell and the other folks from County Square,
7 right?

8 A Myself, Chief Deputy Davenport, discussed it
9 with them.

10 Q Right. Because Savannah really doesn't know things
11 about budgets, so she really couldn't discuss that
12 with them?

13 A Savannah could not discuss anything related to
14 a budget that she didn't have experience in.
15 However, that was the purpose to get her
16 experience so that when we put our budgets
17 together we would know.

18 Q But when it came down to it then, she didn't take
19 notes. She didn't present this to anybody other than
20 giving the actual paperwork, so she didn't really need
21 to be in Charlotte, did she?

22 A Savannah needed to be in Charlotte because
23 there are things in that document that may not
24 even to be written down, when she had
25 conversations with people, when they were

1 submitted with her.

2 Like I said, they were wants and needs. So a
3 lot times there may have been things that I did not
4 know about.

5 Savannah's also really good about reminding me
6 about things when we would go to meetings or when
7 things would happen. So it was pertinent for her to
8 be there, especially if she was going to continue to
9 stay as my assistant and move forward, because I think
10 it's very important that she had a working knowledge
11 of the budget.

12 Q She had already discussed this with you before you
13 when there, didn't she?

14 A I do not recall her discussing with me
15 anything other than collecting it and then having
16 it put together.

17 Q But you just said it was you and Marcus Davenport
18 that talked to them about the budget and about this,
19 correct?

20 A That's correct.

21 Q So, obviously, you had a clear understanding of
22 what this was.

23 A I did have an understanding of what we were
24 trying to achieve. I knew what we were going for,
25 what our ultimate goals were. How we were going

1 to get there and how the salaries were actually
2 increased, where the money was going to come from,
3 I didn't know.

4 Q And Savannah was unnecessary to be there?

5 A I do not think that Savannah was unnecessary
6 to be there.

7 Q And, really, the only reason you brought Savannah
8 there was so you could try this whole, put the bottle
9 in the suitcase, have a nightcap, get her to take it
10 to her room, go and get it, offer her a drink, and try
11 to seduce her; isn't that correct?

12 A That is incorrect.

13 MR. THOMPSON: I ask to enter State's
14 Exhibit Number 22 into evidence.

15 THE COURT: Without objection.

16 (STATE EXH. 22, Greenville County Sheriff's
17 Office 2017 salary adjustment proposal, was entered
18 into evidence.)

19 BY MR. THOMPSON:

20 Q Now, after Savannah joined you and you all broke
21 for lunch, you came back from lunch and met for a
22 little while longer. And I believe you broke around
23 2:00 to 3:00 p.m.; is that correct?

24 A I don't remember. It was later in the
25 afternoon when we broke.

1 Q All right. Do you remember giving prior sworn
2 testimony regarding this?

3 A No, I don't remember giving prior sworn
4 testimony to that.

5 Q I believe this is a copy of the transcript of your
6 sworn testimony.

7 A All right.

8 Q If you go to the first tab --

9 A The first tab.

10 Q -- and it's going to be, I believe, Page 235. And
11 there's a highlighted portion there. You're welcome
12 to read the whole paragraph to yourself, but it's not
13 all relevant to what we're talking about here.

14 A Do you mind if I unclip it?

15 Q Certainly, go right ahead. As I'm looking at line
16 -- starting at line 18, but if you need to read it for
17 context. Go ahead, and then tell me when you're
18 ready.

19 A Okay.

20 Q And you had been asked right before this question,
21 how much time you would spend on the trip -- or how
22 much time you had actually been meeting and talking
23 about the budget, correct?

24 A This response is to a question, obviously,
25 about how long we spent.

1 Q Okay. And on line 18, as part of that answer, you
2 said, "We went to -- the restaurant that we went to
3 was more of a gastro pub, kind of, restaurant, and
4 there was pizza, burgers, and that kind of stuff. We
5 all met -- or we met all through that. We came back
6 from that, continued to talk, broke about -- I don't
7 remember. We broke about mid-afternoon, maybe 3:00,
8 2:00, 3:00. We went upstairs, and what some probably
9 did was use the session to take a nap. Other used as
10 kind of a wash up, cleanup to get ready to meet back
11 out for dinner that evening."

12 A Okay.

13 Q Okay. So does that refresh your memory that you
14 probably ended sometime between 2:00 and 3:00?

15 A Yes, 2:00 and 3:00.

16 Q All right. And so you --

17 A But also said, I don't remember. We broke
18 that afternoon maybe 2:00, 2:00, or maybe 3:00,
19 2:00 or 3:00 --

20 Q All right.

21 A -- that was it.

22 Q So it's -- you're remembering it a little
23 different today when you're saying it was later than
24 that, correct?

25 A No. I said, I don't remember exactly.

1 Q Okay. But that would be more accurate, that was
2 taken a while back, correct?

3 A That, I assume. I didn't remember then,
4 because I said, I don't remember.

5 Q All right. And you recall that the restaurant,
6 one of the restaurant receipts shows that you all
7 finished up there -- I don't know if it's in this
8 packet or not. I believe you all finished up there
9 from the prior things, Rooster's Woodfire Chicken,
10 correct?

11 A I remember --

12 Q Kitchen, not chicken.

13 A I remember a rooster being on the wall when
14 we were there, yes.

15 Q Okay. And so that would be from State's Exhibit
16 Number 14 that you looked at earlier?

17 A Correct.

18 Q I believe the time on that is 2:12 when you all
19 were checking out?

20 A Table 51-1, 2:12 p.m.

21 Q All right. So you didn't meet much longer after
22 you went back to the hotel, correct?

23 A If we left at 3:00 o'clock, then it didn't
24 seem that way.

25 Q All right. And now, again, you don't recall at

1 all trying to contact Savannah when she didn't show up
2 downstairs?

3 A I don't remember that, no. When she didn't
4 show up initially, are you asking?

5 Q Yeah, initially. You didn't -- you didn't --

6 A No, I do not recall.

7 Q It didn't give you any concern that there was
8 something wrong?

9 A I mean, no. I mean, I just assumed she had
10 slept in because we been out late the night
11 before.

12 Q Did you and Savannah talk that day at all about
13 what had happened the night before?

14 A I honestly don't remember, but I'm certain we
15 probably did.

16 Q But you don't remember that conversation?

17 A I don't remember the conversation that we
18 had, no.

19 Q All right. So, that night, that second day, did
20 you go back to your room and take a nap after that?

21 A I did not.

22 Q You did not?

23 A No, I did not.

24 Q Where did you go?

25 A I went back to my room, but I did not take a

1 nap. Washed up, cleaned up, probably made some,
2 you know, phone calls back towards the house and
3 whatever, and then came back downstairs.

4 Q Then you all went to dinner?

5 A We reconvened in the lobby and we started
6 walking, looking for a place to eat dinner, yes.

7 Q And that was all six of you, everyone who went to
8 Charlotte, correct?

9 A To the best I can recall. I mean, we all
10 would have been there.

11 Q All right. And at dinner you all had more drinks
12 that night?

13 A At dinner, we did drink.

14 Q All right. And then after dinner went to another
15 bar?

16 A We did.

17 Q All right. But on the way to that bar, you
18 stopped off, correct?

19 A I did.

20 Q And you went to CVS?

21 A I did.

22 Q And you said you bought Advil?

23 A I bought Advil and took some cash out.

24 Q All right. And you not only bought Advil, you
25 bought some personal lubrication at that point?

1 A No, I did not.

2 Q You're denying that you went to CVS and bought
3 personal lubrication at that point?

4 A I'm denying that I went to Advil -- or went
5 to CVS and bought personal lubrication. I bought
6 Advil.

7 Q And -- but you remember how many were in the
8 bottle, don't you?

9 A It seemed like it was one of the 80 things.
10 The reason I remember it is because when we
11 brought it back from -- when I brought it back
12 from Charlotte, I actually put it in my office,
13 and it sat on the counter in the bathroom in my
14 office, and it sat there for awhile.

15 Q If you look back again at that transcript, and
16 this time go to page 273.

17 A 273. I'm sorry. Okay.

18 Q And beginning at line one, you're asked, "And did
19 you, the following day, purchase personal lubricant?"
20 And your answer was, "Not that I can recall," correct?

21 A That's correct.

22 Q And they asked you about what you purchased at
23 CVS. And you said, "I went to CVS and got a bottle of
24 Advil, 100 count bottle of Advil, and I think I took
25 out 50 bucks in cash, maybe, and that was -- that's

1 all I got."

2 A Correct.

3 Q And they said, "So you don't deny that you
4 purchased any personal lubricant the day after the
5 first night in Charlotte?" And you told them, "I told
6 you, I don't remember that."

7 So you're not denying that you bought it. You
8 don't remember if you bought it.

9 A No. I'm telling you I didn't buy it. At
10 this particular point, my -- I don't, you know,
11 remember doing that. It's the same thing as, no,
12 I didn't do that.

13 Q Well, it hasn't been that way so far in our
14 questioning, has it? Because you've said that other
15 things, like, for instance, something that Savannah
16 might have said, you know, or you talked about with
17 Savannah, you said, I may have talk about that, I don't
18 remember, though.

19 A Well, I mean, yeah, I think I would have
20 remembered buying a bottle of lubricant and
21 Advil.

22 Q So clearly by your answer, you didn't say, no, I
23 did not do that. You said, I don't remember?

24 A I think I would have clearly remembered
25 buying a bottle of lubricant from the CV Pharmacy

1 and carrying it around in my pocket for the
2 remainder of the evening. So I did not buy
3 lubricant at the CVS Pharmacy. I did buy Advil
4 and carried that around in my pocket.

5 Q You think you'd also remember sending a 3:00 a.m.
6 text to Savannah that second night, but you said you
7 didn't remember that either?

8 A No, I do not remember sending a text message
9 to Savannah at 3:00 a.m.

10 Q But clearly you sent it.

11 A Clearly, I sent a text message to Savannah?

12 Q Yes. We have it in evidence. The text message,
13 "Me," being sent to Savannah a little after three
14 o'clock in the morning.

15 A I don't remember sending that text message,
16 no.

17 Q Right. But clearly you sent it because it came
18 from your phone. You had your phone, didn't you?

19 A Clearly, my phone was hooked up to Savannah's
20 iPad as well. So, I mean, that --

21 Q Oh, so she's controlling your phone through her
22 iPad?

23 A She very well could have. I'm not saying
24 that's what happened.

25 Q Please. Is that your excuse? You're going to say

1 that? If you thought that was true, you'd have it
2 investigated, wouldn't you?

3 A I am not, in fact, accusing that. What I'm
4 saying is --

5 Q You said it, therefore, you accuse it?

6 MR. WISE: Your Honor, he needs to be
7 allowed to finish his answer.

8 THE COURT: Let him finish his answer.

9 THE WITNESS: What I'm telling you is
10 that I do not remember sending a text message to
11 Savannah at 3:00 a.m. for any purpose at all.

12 BY MR. THOMPSON:

13 Q But you say she might have done it with her
14 iPad?

15 A I did not say she might have done it. What I
16 said was, Savannah -- my cell phone was hooked up
17 to Savannah's iPad as well. Therefore, she could
18 receive my messages on county iPad from the county
19 computer. That's all I can tell you.

20 Q But the message came from your phone?

21 A Okay. I don't know the significance of how
22 an iPad sending a message through a phone number
23 works. I don't know any of that, but -- so...

24 Q So all the other text messages you're sure are
25 correct except for that one?

1 A There were many, many times that my phone was
2 given to Savannah during the course of a meeting,
3 during something that was going on, so she may
4 very well have sent a response to a text message
5 for me, so I don't -- I mean, I'm not going to say
6 I sent that.

7 Q She didn't have your phone that night, did she?
8 You had your phone.

9 A I would have had my phone in my room, yes.

10 Q And this is the first time you've ever said
11 anything like that. You didn't say that in any of
12 this sworn testimony you had before, did you?

13 A No, sir, I did not. No something that I
14 recalled.

15 Q Because it's not true, and it can't be true; isn't
16 that correct?

17 A It is true. I know that you can hook up a
18 cell phone up to an iPad or a computer.

19 Q And then you would have had it investigated. If
20 that happened to you, you would have had it
21 investigated, wouldn't you? Because you were the
22 sheriff. You know how that stuff works, don't you?

23 A I don't know what would have been the purpose
24 of having it investigated at that particular
25 moment. I had no clue why. I just saw the text

1 message in the last couple days, or maybe since
2 the deposition.

3 Q So between early March of 2017 and now, you
4 wouldn't have seen any reason to have that
5 investigated?

6 A I don't see any need to. I don't understand
7 why you're asking about an investigation into a
8 text message that says "Me." If there's nothing
9 criminal about it, you don't conduct an
10 investigation.

11 Q But you've been charged. You wouldn't do it to
12 defend yourself?

13 A I would hope that the State's -- since the
14 State's responsibility is to not prove guilt but
15 prove justice, I would hope the State would have
16 looked at that accordingly, since they have the
17 resources to actually look into it. They had a
18 cell phone technician up here on the stand. I
19 would hope that they would have done that.

20 Q And you all could have ask him about it, couldn't
21 you? And you didn't.

22 A We very well could have asked about it.

23 Q And you didn't because you know it's not true and
24 it would be blown out the water?

25 A I don't know that that's true.

1 Q Now, I believe you said that second night you
2 didn't go to Savannah's room at all, correct?

3 A I did not.

4 Q If you would go in the deposition to page 279, and
5 in the deposition -- are you there?

6 A Yes, sir.

7 Q Okay. On line 8?

8 A Yes.

9 Q You're asked, "Did you go to the -- to Savannah
10 Nabors's hotel room the second night in Charlotte?"
11 And you said, "I don't recall going to her hotel room
12 the second night." Then they ask you, "So you're not
13 saying you did not go to her hotel room. You're just
14 saying, as we sit here today, you do not specifically
15 recall going to her hotel room?" And your answer is,
16 "Yeah, I don't remember going up there at all,"
17 correct?

18 A Yes, sir.

19 Q And then they asked you, "And she testified
20 yesterday that you were in here and that you had gone
21 to the hotel room that second night. Is that your
22 testimony today that she was lying when she said that,
23 or are you just saying you don't recall either way?"
24 And your answer was, "No, I don't. I don't remember
25 going in her room at all the second night." And that

1 was your answer, correct?

2 A Yes.

3 Q So what you're saying is -- in this is that, you
4 don't recall going to the room. You're not saying you
5 didn't. You just don't recall?

6 A I didn't go to her room the second night.

7 Q But what you're saying there is you don't recall
8 going to her room. You never said you didn't go. You
9 just said, I don't recall?

10 A As I explained earlier, I don't recall. I
11 didn't go to her room. I mean, my response is
12 this, the "I don't recall," like I said, were I
13 didn't go.

14 Q As a police officer, when you interview a
15 defendant and he gives you and "I don't remember"
16 answer, and you asked the same question that I'm
17 asking, you say, you don't remember? You're not
18 saying you didn't do it. You just don't say -- you're
19 just saying you remember if you did it. And you get
20 him to clarify that, don't you? You have him answer
21 straight one way or the other?

22 A Yes.

23 Q And so you would know as a police officer that you
24 need to clarify this and make it straight, correct?

25 A And I just did.

1 Q You're saying you did now on the stand. But in
2 this transcript you just said, I don't remember?

3 A There's no follow-up question.

4 Q They ask you three times and you said, I don't
5 remember.

6 A And then if you go down to page 280, it says,
7 "Okay. Were you drunk the second night," was the
8 question. I said, "No." Then the next question
9 is, "So Savannah has indicated that you, you came
10 to her room and told her hands off. I swear to
11 God, I won't touch you. Just let me stay. Is
12 that your testimony, that that was a lie?" "Yes."
13 That was my testimony, that that was a lie.

14 Q Yeah, but you didn't say that. You're not saying
15 -- your direct question as to whether you went to the
16 room at all, you said, "I don't know."

17 A In this civil deposition that is the answer,
18 "I don't know." I'm telling you --

19 Q Right.

20 A -- I did not go to her room that night. And
21 then they asked me again, on page 280, and they
22 asked me, was it a lie, and I said, yes.

23 Q Well, they didn't just ask you whether you came to
24 the was a lie. They asked you what you said when you
25 came in the room. That's what their question really

1 was, and you said that was a lie. So --

2 A Would you like me to answer the question?

3 Q I don't know that you ever will answer the
4 question. That's the problem.

5 A So again, the question says, "So, Savannah has
6 indicated that you, you came to her room and told
7 her -- you came to her room and told her hands
8 off. I swear to God, I won't touch you. Just let
9 me stay. Is it your testimony that she was -- she
10 was a -- that that was a lie?" "Yes."

11 Q Right. Because they've added in an extra element
12 at that point above whether you went in the room?

13 A It's one question. I said, she's a liar.

14 Q It's a compound question. They asked you
15 specifically, did you go in the room? And you said, I
16 don't remember. That was your answer to that question
17 specifically --

18 A That was my answer in this deposition, yes.

19 Q -- three different times.

20 A That is the answer in this deposition.

21 Q Okay.

22 A When they asked me was she lying? I said,
23 Yes.

24 Q And that's not what my question is to you today.
25 You're not answering the question. You're avoiding

1 it. Like you're avoiding all the questions because
2 you know if you answer the questions correctly, you
3 look guilty because you are guilty, right?

4 A Unfortunately, I'm afraid that I'm not
5 answering the questions the way that he wants to
6 hear them answered, and that's the problem. I
7 think the problem is, he's not getting the answers
8 that he wants --

9 Q How is that an answer to my question right now?

10 A -- for me to be guilty, and I am not.

11 Q How is that an answer to my question right now?

12 The question that was submitted to you there was very
13 simple. "Did you go in the room that night?" "Did
14 you go in the room that night?" You said, "I don't
15 remember." And you answered that three times that
16 way, correct?

17 A I said I don't recall going to the hotel
18 rooms that night. And then my answer was, "Yeah,
19 I don't remember going up there at all." Then I
20 said, "No, I don't. I don't remember going to her
21 room the second night." And then the part that
22 you didn't highlight that says -- asks a question
23 about was it lie? Did you go to her room? Was it
24 a lie? And I said, Yes.

25 Q There's another time you have used that phrase --

1 what was it, hands off before? Is that what they
2 asked you in the question there?

3 A Hands off, yeah.

4 Q Okay.

5 MR. THOMPSON: I believe it's 11:22 on
6 the recording, is that correct?

7 THE WITNESS: Am I done with these, sir?

8 BY MR. THOMPSON:

9 Q What's that?

10 A My deposition.

11 Q Yes. Thank you.

12 A Certainly.

13 MR. THOMPSON: Madame Clerk, we need the
14 speakers. This is a clip from the 11th phone
15 call.

16 MR. WISE: Which recording is this?

17 MR. THOMPSON: Number 11.

18 (Recording 11 played.)

19 BY MR. THOMPSON:

20 Q All right. That started off with hands off,
21 right? It's a phrase you use?

22 A It's a phrase that I used that time, yes.

23 Q Yes. And, ultimately there, that was when Savannah
24 was leaving, the day she left?

25 A Yes.

1 Q She was at the office with you and having everyone
2 parting ways at that point?

3 A That's correct.

4 Q And you went to give her a hug and commented that
5 the hug wasn't like it usually was. It wasn't, here,
6 here, here. In other words, you're motioning you
7 didn't touch in certain places when you hugged. It
8 wasn't the normal hug?

9 A I don't know what I was motioning to or the
10 normal hug. I very specifically remember that
11 when she hugged me that day when she left, I very
12 specifically remember her being just kind of -- I
13 mean, it was -- she was obviously hurting, and
14 that's -- hence the rest of the conversation. I
15 knew that she was broken. I knew that she was
16 hurting.

17 Q And it was kind of a stand-off-ish hug?

18 A I don't know that it was a stand-off-ish hug.
19 I don't know what a stand-off-ish hug is. I mean,
20 we hugged. I don't know --

21 Q Right. And you described in that that the hug was
22 not here, here, and here. Or that it's usually here,
23 here, and here. Or something to that effect, correct?

24 A It was not an emotional hug as she hugged me
25 before as a friend, you know. When she would give

1 me a hug or when she would put her arm around me
2 or something along those lines, it was very
3 different. She was withdrawn at this point.

4 Q And I think that's what I'm getting at. It was
5 different. It was not the normal hug you would expect
6 from Savannah?

7 A No, it was not.

8 Q Okay. Now, you joined back up with them after
9 going to CVS, right?

10 A I do.

11 Q And you had gotten the Advil because you, kind of,
12 drank too much the night before, right? You had a
13 headache from that?

14 A No. Every hotel room I've ever stayed in in
15 my entire life, I get a headache when I go and
16 sleep in a hotel room. I don't know why. If it's
17 the air, or it's the non-circulation, or
18 something, but if I go to the hotel room and
19 sleep, I always have a headache. I had a headache
20 the next day. I had a headache the day after I
21 stayed in the hotel that night. I had a headache
22 the day I left for basic training.

23 Q So you didn't plan enough ahead to bring the Advil
24 that you always need?

25 A No, I wish I would have.

1 Q But you did plan enough ahead to bring the
2 Jack Daniels that you like to have at night?

3 A I did put the Jack Daniels in my car, yes,
4 sir.

5 Q All right. Now, that second night, again, you
6 said -- you are telling us now you did go not go to
7 that hotel room, correct?

8 A Yes.

9 Q To her hotel room?

10 A That's correct.

11 Q But as we talked about earlier, it was kind of an
12 exciting night for you the night before, and you're
13 telling me that the second opportunity you have the
14 second night, you don't try anything to get back with
15 her?

16 A I don't know what opportunity you're talking
17 about. Like I said before, I was more than -- at
18 that point, I was more than just disappointed in
19 myself, and everything that I done in violation of
20 my relationship. I never done anything like that.
21 So I didn't -- I didn't -- it was just bad.

22 Q So you continued to pursue her and try to get with
23 her later on. But that second night, right after the
24 first night, which, you know, theoretically, we would
25 all believe is the most exciting night, you won't even

1 go back trying to be with her again the second
2 night?

3 A I did not.

4 Q You didn't talk about that at all?

5 A Talk about?

6 Q With her about getting together that night?

7 A I did not talk about getting together with
8 her that night.

9 Q And so if it was a wonderful experience for her,
10 wouldn't she want to get back with you the next
11 night?

12 A Savannah was married as well, so I'm assuming
13 that, you know, she probably felt the same guilt
14 that I did for having an affair.

15 Q And, ultimately, she rebuffed your rude advances
16 after that? She never did submit to you again for
17 sleeping together, did she?

18 A I don't recall ever trying to sleep with
19 Savannah again.

20 Q The whole Reno thing, you're forgetting that?
21 Trying to get her to Reno to sleep with you?

22 A I thought you meant like a direct moment.
23 Yes, she rebuffed. Well, she didn't rebuff it,
24 but she actually said, yeah -- hell, yeah, I'll go
25 to Reno if I can.

1 Q But, during the course of that conversation, it
2 became clear she did not want to go to Reno if it was
3 going to be a sexual relationship?

4 A And, during the course of that conversation,
5 I told her that that was fine.

6 Q But then you kept trying to convince her to go and
7 stay with you in the same room?

8 A I did.

9 Q Let's talk about, in the sheriff's department --

10 MR. THOMPSON: Could you mark this as
11 State's Exhibit, please?

12 (STATE EXH. 23, General Order regarding
13 sexual harassment, was marked for identification.)

14 BY MR. THOMPSON:

15 Q I show you State's Exhibit 23. This is General
16 Order 109, correct?

17 A Yes, sir.

18 Q And that is the Sexual, Racial, Religious, Ethnic
19 Harassment Policy.

20 A It is.

21 Q And it defines what harassment is, correct? Right
22 in the middle of the first page, harassment defined.

23 A Give me a second, I'm sorry. Yes, I see it.

24 Oh -- yes. "Harassment becomes unlawful where,"

25 is that what you're referring to?

1 Q It says, harassment defined, at the very first
2 page.

3 A Would you mind pointing out to me where
4 you're talking about?

5 Q Harassment defined.

6 A Oh, right there.

7 Q Yes.

8 A Sorry. Big bold letters. I was looking at
9 the seventh paragraph. I'm sorry.

10 Q That's all right. Would you read that first
11 paragraph of the definition of harassment for us,
12 please?

13 A "While it is not easy to define precisely
14 what harassment is, it certainly includes
15 slurs..." I don't know what that word is.

16 Q Epithets.

17 A "...epithets, threats, derogatory comments,
18 unwelcomed jokes, teasing, and other similar,
19 verbal, or physical conduct of an offensive or
20 unwelcomed nature." Would you like for me to
21 continue?

22 Q Yes, please.

23 A "Harassment becomes unlawful where enduring
24 the offensive conduct becomes a condition of
25 continued employment, the conduct is severe or

1 pervasive enough to create a work environment that
2 a reasonable person would consider intimidating,
3 hostile or abusive."

4 Q All right. I believe you skipped an important
5 word in there.

6 A Tell me which one I skipped.

7 Q The word "or," because it says Number 1 --

8 A "Or".

9 Q "Harassment becomes unlawful, where Number 1,
10 enduring the offensive conduct becomes a condition of
11 continued employment or," Number 2, "the conduct is
12 severe or pervasive enough to create a work
13 environment that a reasonable person would consider
14 intimidating, hostile or abusive."

15 A Correct.

16 Q Okay. And when it comes down to it, when we look
17 over the course of your dealings with Savannah Nabors
18 as she worked there at the sheriff's department, it
19 becomes clear she felt the necessity to leave the
20 sheriff's department because of your advances towards
21 her; isn't that correct?

22 A I don't know why she left, but that's been
23 her explanation, yes.

24 Q But, of course, we see she left right when all
25 these tapes occur where you're trying to convince her

1 to go to Reno, correct?

2 A Where the first tape was the Reno
3 conversation, yes, sir.

4 Q Right. Well, I mean, it even refers to it in some
5 of the others, correct?

6 A I'd have to go back.

7 Q Okay.

8 A But it may very well.

9 Q And it's clear to you that she does not want to go
10 and have a sexual relationship at that time,
11 correct?

12 A It is not clear to me that she does not, but
13 we never had another sexual relationship.

14 Q But she did clearly say she was uncomfortable
15 doing that, right?

16 A She said that she was uncomfortable sharing a
17 room in Reno, that is correct.

18 Q And she wanted to have a relationship that was the
19 fun things that you do as par of the job, but not have
20 sex involved?

21 A That's correct. And I told her that that was
22 -- the sex was not necessary, and that was not a
23 part of the job.

24 Q And you also told her that some of her
25 responsibilities -- you used different words for it,

1 but other things would change as a result now of her
2 wish not to have a personal relationship?

3 A Not because of the personal relationship.

4 When I became aware that Savannah felt
5 uncomfortable with it, then it was time to change
6 some job details. And I think that she understood
7 that in the second audio, when I was in my
8 driveway at my parents' house.

9 And the audio itself you hear, you hear -- I
10 think that's the audio where you hear me explain to
11 her and that I understand things are going to change.
12 And she says, look, if going out of town with you is
13 doing those things and it's not going to be a part of
14 what we do, then I'm okay with that. I'm fine with
15 that. And I was, you know -- I mean, was okay with
16 that as well, so...

17 MR. THOMPSON: Court's indulgence one
18 moment.

19 I'm going to ask that we play part of
20 recording 9.2, so it would be the 9th transcript.

21 (Recording 9.2 played.)

22 BY MR. THOMPSON:

23 Q All right. And just to address that last part of
24 it, you had said you had never cussed out Savannah in
25 front of anyone before, correct?

1 A I don't think I cussed her out. I probably
2 cussed at her in front of someone before. But
3 cussing her out? I mean, that --

4 Q So cussing at her and cussing her out are
5 different to you?

6 A Cussing at her and cussing her out is
7 different.

8 Q Okay. But you, in here, said you won't do that
9 again. So you admit you at least cussed at her, if
10 not cussed her out?

11 A I did. I cussed at her. I specifically
12 remember the conversation that I cussed at her
13 while in the office.

14 Q And at the beginning of this conversation, you're
15 saying you have to readjust a few things regarding
16 her -- what her duties would be. You said, I'm going
17 to readjust a few things. And she asked you, like,
18 how we going to do that? What is it going to be, or
19 something to that effect. And you said you didn't
20 know. You'll have to figure that out.

21 A Yes, I said that we would have to figure out
22 what the readjustments were going to be.
23 Absolutely.

24 Q All right. So you, as a result of her not wanting
25 to have a sexual relationship, were readjusting what

1 her duties would be?

2 A No. She had expressed to me at this point
3 that -- I believe by this point she had talked
4 about she didn't know whether she was coming back
5 or not. When we started to talk about it, there
6 was some adjustments that were going to have to be
7 made. That didn't include her not being able to
8 go to the shooting events, or anything along those
9 lines.

10 Q But you don't clarify that in here, do you?

11 A I do not. I don't clarify it in there. I
12 just said some adjustments had to be made.

13 Q As a matter of fact, you said you didn't know what
14 all the adjustment would be?

15 A That's what I said.

16 Q And in addition, one thing we didn't cover in
17 Charlotte at this point was that you picked her up in
18 fireman's carriage, right?

19 A That's correct.

20 Q And that literally takes, as you said, grabbing
21 her down by the ankles and, I guess, up around the
22 neck or shoulders.

23 A I didn't say that. Somebody else said that.

24 Q Okay. Well, what does it take for you to do it?

25 A Normally what you do is you grab -- you go

1 down and you grab by the leg area, the upper
2 thigh, kind of, area, and by the ankle, and you,
3 kind of, lean over, grab somebody by their arm.
4 And while you're leaning back, you, kind of, pull
5 them over your shoulder, and, kind of, go to your
6 shoulder.

7 Q All right. And she didn't ask you to do that, did
8 she?

9 A No, she did not. We joked about it before,
10 but she did not ask me to do. No.

11 Q But joking about it is much different than
12 actually physically grabbing someone and jerking them
13 off the ground and trying to lift them above your
14 shoulders?

15 A You can put it that way, but that's not how
16 it happened.

17 Q You had to move her body from standing on the
18 ground to being on your shoulders, correct?

19 A That is correct.

20 Q Without her request to do that?

21 A That is correct.

22 Q And so that falls as well into your harassment
23 policy as an unwanted physical touching, does it
24 not?

25 A If it's unwanted physical touching, it falls

1 within that, yes.

2 Q And so you smiled. You think this was a wanted
3 physical touching, she wanted you to do that?

4 A No. We were joking about it beforehand. And
5 the joke was, I'm too heavy. You can't pick me
6 up. And then, you know, I tried to do it when we
7 got outside of the pub.

8 Q And, again, as the leader of the sheriff's
9 department, with a subordinate, especially a young
10 female, very bad idea, wasn't it?

11 A Yeah. I mean, obviously it was not a good
12 idea because I didn't quite make the pick up. You
13 know, I almost fell. She almost fell.

14 Q Oh, because you didn't make the pick up, that's
15 why it's a bad idea. It's not a bad idea to do it
16 just for any reason at that point?

17 A Yeah. I mean, looking back on it, it's
18 absolutely a bad idea.

19 Q And as well, ultimately, you would agree that you
20 put Savannah Nabors in a position where a reasonable
21 person would believe you created a hostile work
22 environment for her?

23 A No one has ever used hostile work environment
24 leading up to anything that was in Savannah's blog
25 post. I don't remember anyone telling me from

1 human resources, the directors that were there
2 that night that witnessed what happened, no one
3 ever said, whoa, that's a hostile work
4 environment, you need to stop.

5 And, again, I perceived it as a joke. It,
6 obviously, was not. And that's no excuse for a
7 violation of the policy.

8 But if it were -- that's how I perceived it
9 at the time. But, you know, if she felt it was an
10 unwanted, then that's what the policy says.

11 Q Apparently you're misunderstanding my question.
12 I'm not just asking you about the physical contact
13 with her there with the fireman's carry.

14 A Okay.

15 Q I'm talking about all of this from the point of
16 everything that happened in Charlotte, all the way
17 through the end where you're trying to get her to go
18 to Reno to have sex with you, you created a hostile
19 work environment for Savannah Nabors where she had to
20 work because she was always afraid of the fact that
21 you would be making some move to advance a
22 relationship she did not want to have.

23 A I do not believe it was a hostile work
24 environment. I do believe, in fact, it was a
25 violation of sexual harassment policy though.

1 Q Okay. So you believe you sexually harassed her.

2 A I believe the way this general order is
3 written per this definition, I violated this
4 policy at the Greenville County Sheriff's Office,
5 which is not a crime, but a policy violation. And
6 one that you could potentially be terminated for
7 from the sheriff's office. I did break that.

8 Q And, in fact, while you were sheriff, you
9 terminated at least one other deputy for a sexual
10 harassment policy violation?

11 A I remember us having an issue with multiple
12 people. I don't recall if anybody got terminated.
13 And don't want to bring their name out.

14 Q I don't want to either, and I don't plan to.

15 A Okay.

16 Q But I can show you the paperwork so that you can
17 refresh your memory regarding it.

18 A That would be great.

19 Q Let me show your attorney.

20 MR. WISE: Okay.

21 THE WITNESS: Sir, am I done with the
22 audio for now?

23 MR. BRACKETT: Yes.

24 THE WITNESS: Thank you, Judge.

25 BY MR. THOMPSON:

1 Q I believe this is a disciplinary action, and the
2 last page of the actual dismissal, but it has a
3 summary of what occurred. And I believe the
4 allegation has something to do with sending sexually
5 related photographs to another person within the
6 department.

7 A I do remember this.

8 Q And he was found to be guilty of sexual
9 harassment. In other words, violating this policy in
10 the sheriff's department, correct?

11 A Sustained as in the investigation disclosed.
12 Sufficient evidence to support the allegation in
13 the complaint. Would you mind if I flipped over
14 to the complaint. I don't very specifically
15 remember it, but I just need refreshing.

16 Q Okay. Sure, go right ahead.

17 A Okay. Yes. Yes, sir. This is the one that
18 I thought it was. Absolutely.

19 Q All right. And your signature is on that last
20 page that terminates his employment, correct?

21 A That is correct.

22 Q So while you were sheriff you did terminate people
23 for violation of the policy?

24 A We terminated this person for violation of
25 the sexual harassment, that's correct.

1 Q Right.

2 A But he wasn't charged with a crime or
3 anything.

4 Q And, actually, as well, if we go back to the
5 actual policy order --

6 A Yes, sir.

7 Q -- one of the things that it says in there, if you
8 go to the second page, the bold typed words where it
9 says "Reporting Procedure."

10 A Yes, sir.

11 Q There's an italicized line in that first paragraph
12 in that section at the bottom. It's the last line in
13 the paragraph. And it says, "Employees who are not
14 comfortable reporting to their immediate supervisor or
15 division commander, can also contact the sheriff,"
16 correct?

17 A That's correct.

18 Q And we see through these telephone conversations
19 that -- basically, that's what Savannah did, she
20 contacted you?

21 A We talked, yes.

22 Q All right. So, that was her way of reporting the
23 problem she was having, correct?

24 A I cannot say that that was her way of
25 reporting the problem. I think that's, kind of, a

1 stretch. I think that there were other people she
2 absolutely could have reported it to.

3 Q People who all report back to you?

4 A As we testified yesterday, and I believe
5 Major Miller sat on the stand and said yesterday,
6 she and I were not friends. We're not huge fans
7 of each other, and she was put in place to hold me
8 accountable.

9 I firmly believe that if Major Miller would
10 have found that Savannah and I had had sex, if she
11 would have admitted that to her, if she would have
12 brought any of this to her attention in the manner
13 that she thought was harassing, certainly Major Miller
14 would have held me accountable for that.

15 But I would not refer to Savannah's
16 conversations with me as her reporting. I don't ever
17 recall in the recordings Savannah saying, this is
18 sexual harassment, or this is a hostile work
19 environment. I don't ever recall that.

20 Q Of course not, you're her boss. She's not saying
21 those words specifically. But everything she's
22 telling you is, I don't want to go to Reno if it's
23 going to require sex. Isn't that the same as
24 reporting, I don't want to be harassed?

25 A I'm not going to concede that's the same as

1 reporting. I will concede that she said that she
2 did not want to go to Reno if we were going to
3 share a room because that is, in effect,
4 inappropriate.

5 Q So as her boss and the sheriff, you didn't feel
6 that you had any obligation, when she talks to you
7 about those things to you, to either self-report, to
8 have someone else look at the situation?

9 A I think if I -- yeah, it probably would have
10 been a good idea. To self-report to -- you mean
11 internal affairs?

12 Q Right.

13 A Yeah, that would have been a good idea.

14 Q But you didn't do that?

15 A I did not.

16 Q Now, you recall you had a campaign event at the
17 Ale House at some point not long before the tape
18 started recording, correct?

19 A It was not a campaign event, no.

20 Q Well, it was some event at the Ale House. You
21 were at the Ale House.

22 A It was a meet and greet at the Ale House that
23 somebody put together.

24 Q All right. So, a meet and greet, it's, kind of,
25 like a campaign event. You're out pressing the flesh,

1 right?

2 A Oh, yeah. Yeah. I mean, you get to know the
3 business leaders in the community. Yes,
4 absolutely.

5 Q All right. And, at that, you did attempt to kiss
6 Savannah at the end of that night, didn't you?

7 A Absolutely not.

8 Q And you tried to talk about going home with her
9 that night, didn't you?

10 A Absolutely not.

11 Q So you're denying you had anything to do with
12 that?

13 A I did not try to kiss Savannah. I did not try
14 to go home with Savannah that night. I didn't do
15 any of that then.

16 Q Let's go back to what people call the Tennessee
17 beauty queen, and your interview after Savannah had
18 left.

19 A Okay.

20 Q You're telling us that you never interviewed
21 someone from Tennessee or talked to them about the
22 position?

23 A I do not recall talking to anyone from
24 Tennessee about a position at the sheriff's office
25 to fill Savannah's position.

1 Q And you're saying you don't even remember the name
2 Sidney Salati?

3 A I don't remember the name Sidney Salati.

4 MR. THOMPSON: All right. Mark this as
5 a State's exhibit, please.

6 (STATE EXH. 24, Contact list, was marked for
7 identification.)

8 BY MR. THOMPSON:

9 Q This is State's Exhibit Number 24, and, if you
10 would look at line 1551, that is a contact with part
11 of the contacts list from your cell phone. And
12 contact number 1551, do you see it?

13 A Yes.

14 Q It's Sidney Salati.

15 A That's correct.

16 Q Right.

17 A Correct.

18 Q And so you had her in here as a contact, and you
19 had both her mobile number and her work number,
20 correct?

21 A That is correct.

22 Q And her work number is a 615 area code, correct?

23 A That is correct.

24 Q And that's a Tennessee area code?

25 A Okay. I'll say okay to that.

1 Q All right. And this was created on, according to
2 your phone, January 26, 2017.

3 A January 26, 2016 created, that is correct.

4 Q '17.

5 A '17, yes. It's created.

6 Q Okay. So Sidney Salati is actually in your phone.
7 You're still telling us you don't know who that is?

8 A Yeah, I'm still telling you I don't know who
9 that is.

10 Q All right.

11 MR. THOMPSON: I'd ask to enter into
12 evidence, State's Exhibit 24.

13 THE WITNESS: I also don't know who
14 any --

15 THE COURT: Any objection?

16 MR. WISE: No objection.

17 THE COURT: He offered that. Mark that.

18 (STATE EXH. 24, Contact list, was entered
19 into evidence.)

20 THE WITNESS: There are several other
21 people I don't know who they are.

22 THE COURT: It's already been marked.

23 BY MR. THOMPSON:

24 Q So you wouldn't remember texting Sidney Salati,
25 would you?

1 A I would not remember texting Sidney Salati,
2 no.

3 (STATE EXH. 25, Text between Lewis and
4 Salati, was marked for identification.)

5 BY MR. THOMPSON:

6 Q This is State's Exhibit 25, and it is a text
7 conversation from your phone between you and Sidney
8 Salati. And I'm going to direct your attention --

9 A Yeah, I know who this is. Yeah, I know who
10 this is. Yeah, I remember this. This is a girl
11 that was a vendor for the Sheriff's Association.
12 She did something with Sheriff's Association.

13 Q Exactly. And that's where you met her?

14 A I did, yeah.

15 Q And she talked about possibly getting vending --
16 being introduced up here to get some of her vending
17 stuff done?

18 A I mean, I don't remember that, but, yeah. I
19 mean, that would probably seem right, if that was
20 her job. She is the -- that's pretty funny. This
21 is the actual roommate or best friend of the
22 daughter of the SLED agent that came to my house
23 and executed a search warrant. And that's who you
24 got? That's interesting. Yeah.

25 Q All right. Well, let's look at the text.

1 A The guy that I actually demoted. That's
2 funny.

3 Q Because starting on April 27, 2017, you text her
4 at 9:50:27, and you asked -- and that's p.m., and you
5 asked, "You up?"

6 A That's correct.

7 Q And she texts back and says, "Hey, I was out at,
8 like, 8:30 last night. What's up?" And that's
9 actually the next morning that she contacts you back.
10 It's like 9:02 a.m. 28.

11 A Okay.

12 Q And let's talk about that date just briefly,
13 because that's April 27th. Savannah has just left --

14 A Okay.

15 Q -- at this point that you're contacting her,
16 correct?

17 A Correct. Okay.

18 Q And you contact her and say -- contact her back
19 later that same morning, at 10:11 in the morning, and
20 say, "Call me at your convenience. No rush," right?

21 A Okay.

22 Q And then that same day, that afternoon, she texts
23 back and says, "We have a meeting until 3:00. Can I
24 call you then?" And your response then to her is
25 still on the 28th at 1:26 and just about six minutes

1 after hers, "Certainly."

2 A That's true.

3 Q And then you text back on the 28th about
4 5:11 p.m., and you say, "Been a crazy afternoon. Text
5 when you have about five minutes to talk." And then
6 she texts back on 5/1, it's a few days later.

7 A Uh-huh.

8 Q At 2:09 p.m., and she's talking about, "Flight
9 change was going to be 400 and some change. Can I
10 drive down there next week or the following whichever
11 works best for you."

12 A Okay.

13 Q So you're setting up a meeting with her,
14 correct?

15 A That's what it seems like, yes.

16 Q And the purpose of that meeting is to interview
17 her regarding taking the place of Savannah Nabors?

18 A I don't remember that. But the timeline of
19 this would be at the time that we were doing
20 interviews for Savannah Nabors, that is correct.

21 Q And some of these fall out of place after that.
22 They're not quite in sequential order, so that's where
23 we stop. But that is -- that is this girl from
24 Tennessee, correct?

25 A I don't remember if she was from Tennessee or

1 not. That's, obviously, a Tennessee phone number,
2 if that's what you say the area code is.

3 The interesting part about that is, like I
4 said, we were -- when I met this girl, it was at the
5 Sheriff's Conference, or some event for the Sheriff's
6 Association. She's a vendor for them. We actually
7 sat with a group of people and had several
8 conversations that night. And I just remember
9 specifically her being -- when she found out that I
10 was in Greenville, I very specifically remember her
11 being the best friend or the roommate of the SLED
12 agent that actually executed the service warrant on my
13 house, which actually happens to be the brother of a
14 man that I demoted when I worked at the sheriff's
15 office. Which I thought that was -- I think that's
16 very --

17 Q In all this contact with her, though, there's
18 nothing that's happened at this point with SLED.
19 There's nothing that's happened with SLED at this
20 point, correct?

21 A No. Since then there has been.

22 Q Right. But this is back then before any of that
23 has happened.

24 A This was before anything happened with SLED,
25 that's correct.

1 Q And you're initiating the contact with her on
2 that day?

3 A On -- initiating --

4 Q On the 27th when you say, "You up?"

5 A I am initiating the contact with her on the
6 27th of -- yes.

7 MR. THOMPSON: I ask that you mark this,
8 please.

9 (STATE EXH. 26, Picture of Salati, was
10 marked for identification.)

11 BY MR. THOMPSON:

12 Q I show you State's Exhibit 26. That is
13 Miss Salati, isn't it?

14 A I mean, I remember her being a blonde. I've
15 seen her one time.

16 Q Do you remember her being a six-foot blonde?

17 A I remember her being a very tall blonde,
18 yes.

19 Q Okay. And, as a matter of fact, you wanted her to
20 come here to meet with you because you were going to
21 offer her the position that was ultimately
22 Savannah's?

23 A No, I don't think so. Probably for an
24 interview. Based on these text messages, for an
25 interview.

1 Q And it is her picture, not necessarily this one,
2 but her picture that you showed to Ty Miller and
3 Jackie Cooper and Marcus Davenport?

4 A I didn't show any pictures to Ty or Marcus or
5 Jackie. Actually, Marcus didn't even testify to
6 that. Jackie and Ty testified to that. But I
7 don't remember. I think Marcus would probably
8 have remembered me showing him a picture of this
9 woman.

10 Q And, as a matter of fact -- well, we had several
11 people say they remembered you showing the picture of
12 the woman, right?

13 A No. You had two. You had Jackie and you had
14 Ty.

15 Q All right. And but that is her?

16 A I'm going to -- if you say it's her, I'll say
17 okay. But I couldn't tell -- I couldn't pick her
18 out in a one-man line up.

19 Q And, in fact, you did offer her the job, didn't
20 you? It's not in the text, but you offered her the
21 job.

22 A No, I didn't. The one person that I know
23 that we offered the job to took it.

24 Q You offered her the job, but she denied the job.
25 And, in fact, you offered her a high salary, right?

1 Higher than what Savannah made.

2 A I do not remember offering her a job.

3 Q To be your personal assistant.

4 A I don't remember offering her a job.

5 Addie Hampton is the only person that I remember
6 being offered this job, and Addie accepted that
7 position.

8 MR. THOMPSON: I ask to enter State's
9 Exhibit 26 into evidence.

10 MR. WISE: Your Honor, I'm going to
11 object to that because it's not been identified.

12 THE COURT: I thought you already --

13 MR. WISE: No.

14 THE COURT: That's the picture.

15 MR. WISE: No. The picture, he didn't
16 identify it. I didn't consent to it.

17 MR. THOMPSON: Your Honor, the defendant
18 said --

19 MR. WISE: Where is came from, we don't
20 know.

21 THE COURT: Mark it for identification.
22 He says he can't identify it.

23 MR. THOMPSON: But he assumes it's her.

24 THE COURT: He said, if you said it was her,
25 then maybe it's her. I said, mark it for

1 identification.

2 MR. THOMPSON: All right.

3 BY MR. THOMPSON:

4 Q Now, when you were in the sheriff's department
5 back before you ever became sheriff, when you left, it
6 wasn't under the best of circumstance, was it?

7 A When I left the sheriff's office --

8 MR. WISE: Objection, Your Honor, this is
9 not proper cross-examination.

10 THE COURT: What's the question again?

11 MR. THOMPSON: He didn't leave under good
12 circumstances when he left the sheriff's
13 department originally.

14 THE COURT: It's a fair question for
15 cross-examination.

16 THE WITNESS: When I left the sheriff's
17 office, I resigned my position as a master deputy
18 and went back to school. I mean --

19 BY MR. THOMPSON:

20 Q But there was, at that time, an open Office of
21 Professional Responsibilities investigation into you
22 with multiple complaints.

23 MR. WISE: Your Honor, I do have an
24 objection to this.

25 THE COURT: All right. Ladies and

Testimony of William Lewis

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1 Gentlemen, let's take a short break. I need to
2 hear this objection from counsel and discuss it
3 with them on the record. So, please, just relax
4 in the jury room for a few minutes, and we'll call
5 you. Don't discuss the case amongst yourselves
6 while you're in the jury room, please. Thank you
7 very much.

8 (Jury exits the courtroom at 11:14 a.m.)

9 MR. WISE: Your Honor, what he's getting
10 ready to go into is an incident that, I think,
11 comes up under 404(b) that is subject to a
12 conviction. It's more prejudicial than
13 probative.

14 THE COURT: Tell me what it is.

15 MR. WISE: Well, they --

16 THE COURT: Proffer it. I mean, we're on
17 the record, but there's no jury here.

18 MR. WISE: I think it's going to be his
19 allegedly kissing another fellow officer, or
20 something like that.

21 MR. THOMPSON: Judge, I don't intend to
22 go into the actual allegations.

23 THE COURT: Let's do a proffer, how about
24 that?

25 MR. THOMPSON: Okay.

Testimony of William Lewis
PROFFERED TESTIMONY

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BY MR. THOMPSON:

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Q When you resigned, you resigned -- you were under investigation by the Office of Professional Responsibilities regarding multiple complaints at that time, were you not?

7

8

A There were some complaints against me, yes.

9

10

Q All right. And those were pending when you resigned?

11

A Those were pending when I resigned, yes.

12

Q All right.

13

14

MR. THOMPSON: That's all I was going to ask, Judge.

15

16

17

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MR. WISE: I don't know what's -- I mean, it's -- I don't know if known facts come out, I don't know how it's remotely admissible under any theory.

19

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MR. THOMPSON: Judge, it's probative and relevant because the defendant has talked about how he came to straighten up the sheriff's department. That he made it different, he made it better, and all these things. And, yet, he had to leave the sheriff's department under suspect circumstances. Because, yes, they can't find

1 something out when someone leaves, because they're
2 gone. There's no more punitive -- anything to do
3 with the sheriff's department;

4 THE WITNESS: That's incorrect.

5 THE COURT: It just jumped from 402 to
6 403, I think.

7 MR. WISE: I certainly think when you
8 quote "suspicious circumstances," it's certainly
9 more prejudicial than probative.

10 MR. BRACKETT: He's made his character
11 part of this whole case.

12 THE COURT: Oh, I understand that. And
13 if it's impeachment, but I don't know -- what
14 you're arguing is, it's impeachment --

15 MR. THOMPSON: It is.

16 THE COURT: -- from a prior statement.
17 I'm going to sustain the objection.

18 MR. WISE: Thank you.

19 THE COURT: This is another issue. Camera
20 operator?

21 THE CAMERA OPERATOR: Yes, sir.

22 THE COURT: My clerk says that she's
23 watching what you're feeding, and she just saw on
24 the camera the jury walking out of the room.

25 THE CAMERA OPERATOR: That's not

1 possible.

2 THE COURT: Sir?

3 THE CAMERA OPERATOR: The camera is not
4 pointing on the jury.

5 THE COURT: It was not on the jury walking
6 out of the room?

7 THE CAMERA OPERATOR: No.

8 THE COURT: Well --

9 THE CAMERA OPERATOR: No. I was pointing at
10 the witness stand.

11 THE COURT: I hear what you're saying.

12 THE CAMERA OPERATOR: I don't know how
13 that could be. I'm just saying, I don't know. I
14 mean, I didn't stand over that way or anything
15 like that. Just pointed it at him.

16 THE COURT: Well, you might have bumped
17 it or something.

18 THE CAMERA OPERATOR: No. I watched to make
19 sure that I was standing away from the jury.

20 MR. WISE: Can she pull it back up?

21 THE COURT: She can't rewind it. It's
22 live.

23 THE CAMERA OPERATOR: What did you see?

24 THE COURT: The back of -- how many?

25 LAW CLERK: I only saw shoulders, but I don't

1 know.

2 THE COURT: Maybe they -- All right.

3 Let's move on. Just --

4 THE CAMERA OPERATOR: I'll get a tighter
5 shot.

6 THE COURT: That would be better. Maybe
7 one of the jurors must have walked --

8 THE CAMERA OPERATOR: I think it was the guy
9 in the back. Yeah, I think he leaned up to walk out.
10 I think is what happened.

11 THE COURT: All right.

12 THE CAMERA OPERATOR: I will get a tighter
13 shot.

14 THE COURT: Thank you. All right. You
15 ready to proceed?

16 MR. THOMPSON: Yes, Your Honor.

17 THE COURT: All right. Bring the jury.

18 (The jury enters the courtroom at 11:22 a.m.)

19 MR. THOMPSON: If it pleases the Court,
20 Your Honor?

21 THE COURT: You may continue.

22 MR. THOMPSON: I would ask to introduce
23 State's Exhibit Number 23 into the evidence. It's
24 the General Order regarding sexual harassment and
25 other harassment that we've been discussing.

(STATE EXH. 23, General Order regarding
sexual harassment, was entered into evidence.)

BY MR. THOMPSON:

Q Now, also while you were sheriff -- and I'll give
you this to view, because, again, it deals with a
deputy and I don't want to put his name out there.

A Certainly.

Q It was another Office of Professional
Responsibilities investigation to a deputy who had
lied. In this particular situation, I believe lied
about how he responded to a call, and, ultimately, you
all reviewed the recordings and determined he lied
about that. If you can, refresh yourself with that.

A I mean, it's going to take me a minute to
refresh my --

Q Go right ahead. Go right ahead.

A After quickly reviewing it, I feel
comfortable to try answer some questions if you
give me an opportunity to review it.

Q Sure. I think my only questions is: Ultimately,
you determined he lied, correct?

A It was determined that he lied by -- by his
supervisors.

Q Okay.

1 A That is correct.

2 Q And so you, as sheriff, dismissed him at that time
3 for having lied?

4 A So the way that the policy works in the
5 Greenville County Sheriff's Office under me was
6 when we had a deputy that was called to a
7 situation where they would -- something would be
8 brought to their attention for disciplinary
9 action, the Office of Professional Responsibility,
10 which is what you guys know probably as Internal
11 Affairs, would investigate the complaint itself.
12 They were a fact finding group. That group would
13 then submit what they found factually to the
14 Major, which was Ty Miller, and to the Chief
15 Deputy, which was Marcus Davenport. And they
16 would make a decision. If they made the decision
17 that was together, they both agreed on the
18 decision, then I did not intervene at all. If
19 they differed in their opinion, then I would step
20 in and make the final call. So that's how the
21 disciplinary proceedings happened, which is why I
22 don't exactly recall this specific situation.

23 Q But you had signed on there to have him
24 terminated?

25 A My stamp is on here. Yes, sir. It's my

1 stamp right there.

2 Q And they would consult you regarding that,
3 correct?

4 A My stamp?

5 Q No, no. Not your stamp. They would consult with
6 you regarding the termination?

7 A They would let me know that they agreed or
8 disagreed. And if they agreed, then whatever
9 disciplinary action they decided was enacted.

10 Q And that's because you have that authority as
11 sheriff. Your deputies serve at your pleasure,
12 correct?

13 A The deputies serve at the pleasure of the
14 sheriff, that's correct.

15 Q All right. And then as part of that, too, when
16 you talk about things that Drew Pinciario and that
17 Chad Ayers testified to, and then they themselves,
18 they were under your command at that time, right?

19 A So ask me that again. I'm sorry. I was
20 caught up in the Pinciario. It's Pinciario.

21 Q I always pronounce it wrong. We'll just say Drew.

22 A I understand.

23 Q Drew and Chad Ayers, they were both under your
24 command, of course, while they worked for you,
25 correct?

1 A Yes, sir.

2 Q And served at your pleasure at that point in
3 time?

4 A Yes, sir.

5 Q So they would have a legitimate fear that if they
6 did something you didn't like, they might be fired?

7 A Well, that's why we created the new command
8 staff, the way that it was, the leadership team.
9 I hoped that would dispel any problems. That was
10 the original problem. We were, kind of, hoping to
11 get away from that.

12 Q And, as a matter of fact, there was a time that
13 you told Savannah that she served at the pleasure of
14 the sheriff?

15 A I did. I told her that she served at the
16 pleasure of the sheriff, that's correct. All
17 sheriff's office employees serve at the pleasure
18 of the sheriff.

19 Q But when you tell her that, you don't tell her
20 there's a whole line of things that have to go through
21 or be done in order to do anything, like, fire her
22 under your new policy, right?

23 A I'm sorry?

24 Q You don't go over this new policy thing when you
25 tell her that. You just said she serves at the

1 pleasure of the sheriff?

2 A Savannah knew what the policy was. She was
3 there when it was implemented from the beginning
4 and bore witness to the whole thing.

5 Q And let me ask you this. This blog came out in
6 August 2017, correct, Savannah's blog?

7 A Okay.

8 Q And I believe it was October 16th of 2017 that the
9 complaint was filed.

10 A Okay.

11 Q Does that sound right to you? That's correct?

12 A Those days sound pretty close.

13 Q Okay. And then it was the 19th of October that
14 you did the press conference where you admitted to the
15 inappropriate contact.

16 A Yes.

17 Q All right. And was it after the complaint on
18 October 16th, 2017, that's when you told your wife
19 what had happened?

20 A After the lawsuit was filed?

21 Q Yes.

22 A Yes.

23 Q That's because, when the lawsuit was filed, a lot
24 of these recordings were released, weren't they?

25 A I knew they were released with the lawsuit.

1 I don't know if they were released any time before
2 that.

3 Q Right. But, I mean, they were released with the
4 lawsuit on October 16th when it's filed, correct?

5 A Yes, sir. They were released with the
6 lawsuit, absolutely.

7 Q And so that's when you decide to tell your wife
8 happened, correct?

9 A I told my wife. I mean, there was no more
10 hiding at that point, so that's why. I told her,
11 and I just knew it was going to be over at that
12 point.

13 Q So -- but the blog came in August, and you didn't
14 tell her about at that time?

15 A The blog came in August. I did not tell her.

16 Q As a matter of fact, you denied it to her?

17 A I did. I denied having an affair.

18 Q Just like you denied it to others?

19 A I did not deny it to the members of sheriff's
20 office, as we discussed yesterday. It was a
21 different way that that was handled.

22 Q So you're telling us that you told a number of
23 members of the sheriff's department that you had an
24 affair, but you did not tell your wife?

25 A No. Prior to telling my wife, again, the

1 only one that I specifically remember asking me
2 directly if I had sex Savanah Nabors was Ty
3 Miller. An I told Ty, yes, we did.

4 Q So it was --

5 A I won't go into attorney/client privilege.

6 Q So is it your contention then that you didn't say
7 anything to anybody after the blog came out about
8 whether this was true or not?

9 A Man, it was whirlwind. As soon as that blog
10 came out that morning, I very specifically
11 remember hearing the allegations from the blog.
12 And although I was not named or mentioned
13 specifically, it was Savanah's blog. She had
14 already put it out to a lot of people and centered
15 around a lot of people.

16 And I don't know if I learned at that point
17 or another point that she had verbally said that it
18 was me, or that she just sent a message. I don't
19 recall how that went.

20 But I do remember that morning going straight
21 to the general counsel, which is the attorney for
22 sheriff's office, and Marcus Davenport and telling
23 them to immediately contact SLED, request them to come
24 up and conduct an investigation into this, because the
25 allegations were -- whether she named me or not, I

1 wanted an investigation done immediately.

2 Q Are you finished? Anything else you want to add?

3 A Sure, there's probably something else I can
4 think of.

5 Q Let's just go to questions and answers and try to
6 do it that way.

7 So the only reason, really, that you told
8 your wife is because the tapes made it obvious,
9 correct?

10 A That is correct.

11 Q And that's, kind of, been your MO. If it's not on
12 tape, I didn't say it; isn't that right?

13 A No. There are a lot of things that are not
14 on tape, but there are a lot of things that were
15 lied about on this stand by other people that did
16 not happen.

17 Q And if it's not on tape, I don't remember it.
18 Those are a lot of -- you just don't remember a lot of
19 things.

20 A No. I mean --

21 Q Despite being sheriff you, you know, had a
22 background in law enforcement, you know, you give
23 attention to detail, those sorts of things, right?

24 A Give attention to detail of what?

25 Q But you don't -- the most significant details of

1 this you really don't remember, do you?

2 A I think I probably, as far as certain details
3 of this went, I wanted to forget it. As far as
4 the affair went, I wanted to put it out of mind.
5 You know, I was really trying to, you know,
6 suppress the fact that I had an affair with my
7 wife.

8 I mean, there are probably some things that I
9 don't remember because I didn't want to remember
10 certain things. You know, as far as the actual affair
11 itself went. But, I mean, the conversations and
12 things like that, if I'm reminded of a conversation or
13 a phone call, sometimes I can pick up and remember it.
14 You said it yesterday yourself, my memory is just
15 weird like that.

16 Q And when did you the press conference on
17 October 19th, you never mentioned Savannah Nabors's
18 name, did you?

19 A I don't think I mentioned Savannah's name in
20 the press conference, no.

21 Q One final thing.

22 A Yes, sir.

23 Q A number of times when I've asked you about your
24 intentions, as we go through these tapes and your
25 intentions to have a sexual relationship with

1 Savannah Nabors, especially in the trip to Reno, you
2 said things like -- you kept saying something to the
3 effect, if it sounds like that.

4 I'm going to ask you to answer yes or no on
5 this question, and, certainly, you can explain it
6 afterwards if you have to. But yes or no, because I
7 don't know want to hear it sounds like that again.
8 That's not an answer that answers the question. Your
9 intent with Savannah at that time in those phone calls
10 is to get her to go to Reno with you to a conference
11 so that you could sleep with her in Reno?

12 A Yes, that is exactly what it sounds like.

13 Q Okay. Let's take out the phrase, that's what it
14 sounds like, because I just want yes or no.

15 A You do not get to determine my answers, sir.

16 Q Sir, you're equivocating your answer when you say,
17 it sounds like that.

18 A That's exactly what it sounds like.

19 Q And it sounds like that because that's what you
20 did, correct?

21 A That is what I did. Those audio
22 conversations are me, like I said yesterday. I'm
23 not going to run from that. Those are me. It
24 absolutely sounds like that. And, yes, if I were
25 going to Reno or somewhere like that, we probably

1 would have had another affair.

2 Q And the actions were yours?

3 A The actions?

4 Q Yes, of trying to set that up for Reno?

5 A The actions were mine.

6 Q All right. Thank you.

7 MR. THOMPSON: That's all. Thank you.

8 REDIRECT EXAMINATION

9 BY MR. WISE:

10 Q Mr. Lewis, go back to the sexual harassment that
11 you mentioned that was disciplined. Do you remember
12 the facts of that case without looking at his notes?

13 A The facts of the case of sexual harassment?

14 Q Well, first off --

15 A I do. But, fortunately, he was a good
16 friend.

17 Q I understand. Tell this jury what that involved.

18 A It's explicit, and I apologize.

19 There were -- the gentleman in question, the
20 deputy, was also a part-time photographer. And he,
21 unfortunately, took explicit photographs of himself in
22 still frame ejaculating and sent those to a female
23 deputy for whatever reason. She spoke with her
24 supervisor about it. At which point, her supervisor
25 approached others. It went from there. Pretty hard

1 decision. He was a good friend.

2 Q Was that picture invited or requested by her?

3 A Not that I recall from that file at all. I
4 do not recall it being requested.

5 Q So that was clearly -- how would you classify
6 that, the sexual nature of that, as being wanted or
7 unwanted?

8 A I would say it was unwanted.

9 Q The sexual encounter you had with Savannah Nabors,
10 was it wanted or unwanted?

11 A It was wanted.

12 Q The one about the lying, do you remember the facts
13 of that one without looking at it?

14 A No, sir.

15 Q Do we have that one. If you'll review those just
16 briefly, or as much as you need to, to answer a
17 question about it.

18 A Okay. Yes, sir.

19 Q All right. What was the nature of the lie in that
20 one?

21 A It would appear that a person who we called
22 the complainant, who we referred to as
23 complainant, contacted the front desk of the
24 sheriff's office, which is a different area than
25 dispatch or communications. It's not 911. It's a

1 non-emergency number. They contacted the front
2 desk, and they -- it appears that in this the
3 deputy says that the complainant was demanding a
4 deputy show up to the scene of whatever he had
5 going on and that -- that was incorrect, that the
6 deputy --

7 Q What was the lie the deputy told?

8 A It says in here -- it says that the
9 complainant was more than cooperative and had
10 never been adamant or demanded anything, but yet
11 the deputy still requested that a road unit or a
12 uniform patrol respond to the call.

13 Q So that was a lie involving the actual performance
14 of his official duties?

15 A That's correct.

16 Q And for that, he was disciplined?

17 A For that, he was disciplined.

18 Q Because he lied about his official duties?

19 A That is correct.

20 Q Okay. If you could, if you could get from the
21 Judge the recording 1 that was played in court,
22 yesterday.

23 A Certainly.

24 Q And if you'll turn to it, it will be the statement
25 by her after her -- after your Bill Clinton comment.

1 A Which -- what page?

2 Q It should be on -- I haven't got the same copy you

3 got.

4 A Okay.

5 Q But it should be on about the second page.

6 A Okay. My Bill Clinton comment, yes, sir.

7 Q You got that?

8 A Let me find it.

9 Q Right. What was her comment after that?

10 A I got to find it first.

11 Q Okay.

12 A After the Bill Clinton comment?

13 Q Yes.

14 A Her response, "Well, I'm just saying that's

15 way too risky. I'll go with you if there's two

16 rooms, but I'm not going to go and share a room

17 with you, like, on the paper. You know what I

18 mean?"

19 Q And, like, on paper meaning what?

20 A If we could show that one room had been

21 comped and the County was paying for another

22 room.

23 Q So, did she say she wasn't going to Reno with you,

24 period?

25 A No, sir.

1 Q Okay. Did you get a per diem for the trip to
2 Charlotte?

3 A A per diem check was given to me for going to
4 Charlotte by Sergeant Jeff Ward. And I asked him
5 what it was for, and he said it was for the trip
6 to Charlotte for the budget meeting. And I
7 returned the check to him. I said, I don't want
8 per diem check. I didn't need to receive any
9 money for going to Charlotte.

10 MR. WISE: Thank you. That's all.

11 THE WITNESS: Yes, sir.

12 RECROSS-EXAMINATION

13 BY MR. THOMPSON:

14 Q Just briefly.

15 A Yes, sir.

16 Q You would agree with me that it's part of your
17 official duty not to violate the law, correct?

18 A Part of my official duty not to violate --

19 Q To not violate the law. In other words, it's to
20 follow the law, correct?

21 A That's correct.

22 Q To enforce the law?

23 A Yes.

24 Q And that includes employment law? All laws,
25 correct?

1 A I don't know that I ever took an oath to
2 enforce employment laws, no, sir.

3 Q You took an oath to enforce all laws, correct, to
4 keep yourself updated on those laws?

5 A I don't know the oath says, but I never
6 interpreted that as employment law.

7 Q You don't know what the oath says that you took?

8 A I mean, it's been a while since I took the
9 oath.

10 Q Now, if -- of course, you're managing the folks
11 that you had to fire there in those unfortunate
12 situations, correct?

13 A I was the sheriff so everyone worked under
14 the sheriff, that's correct.

15 Q And so if anybody follows the rules and
16 regulations in the sheriff's department, it should be
17 you?

18 A Yes. That would be the example set.

19 Q And if you were in your position as sheriff and a
20 lieutenant did exactly what you did in this case, from
21 being in Charlotte, to having sex with a subordinate,
22 to coming through all the various things that happened
23 between them, and then finally where these tapes are
24 trying to get her to go to a conference with him, and
25 force her to do that in order to have sex with her,

1 you would fire that lieutenant, wouldn't you?

2 A They very well could be fired, but not
3 charged with a crime.

4 Q But you would have fired that lieutenant, wouldn't
5 you?

6 A It would depend on the circumstances. But
7 that lieutenant absolutely could have been
8 possibly been fired, yes.

9 Q We know the circumstances. And with the
10 circumstances of this case, you would have fired him
11 for doing the same thing you did?

12 A Probably. Depending on the circumstances,
13 again. But, yeah, probably.

14 MR. THOMPSON: No further questions.

15 THE COURT: All right. You may come
16 down, sir. Thank you very much.

17 MR. WISE: Could I ask one question?

18 THE COURT: No. You get two bites at the
19 apple.

20 MR. WISE: Okay.

21 THE COURT: Have a seat.

22 THE WITNESS: Yes, sir.

23 MR. WISE: The defense rests, Your Honor.

24 THE COURT: All right. Any reply?

25 MR. BRACKETT: I believe we will have one

1 brief reply witness, maybe two. Possibly two. We
2 have to call somebody. We're adjusting as he's
3 testifying, but we have somebody here now, maybe
4 two. They'll be brief.

5 THE COURT: You say somebody's here now?

6 MR. BRACKETT: Yes, sir, I believe so. I
7 just have to go check. I haven't had an
8 opportunity. They arrived while this testimony
9 was taking place, so I do need to check.

10 THE COURT: Let's see if you can -- go
11 ahead.

12 MR. BRACKETT: Yes, sir.

13 May we approach?

14 THE COURT: Certainly.

15 (Bench conference off the record.)

16 THE COURT: All right. Solicitor, you
17 ready to proceed?

18 MR. BRACKETT: If it pleases the Court,
19 Your Honor, in reply, the State would call
20 Lieutenant Gene Donahue from the State Law
21 Enforcement to the stand.

22 THE COURT: Sir, if you would, please
23 step up to the Bible and be sworn.

24 THE CLERK: Please place your left hand
25 on the Bible and raise your right hand. Do you

Testimony of Gene Donahue

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1 swear or affirm to tell the truth, the whole truth,
2 and nothing but the truth, so help you God?

3 THE WITNESS: I do.

4 THE CLERK: Thank you. Please take a
5 seat and state your name for the record.

6 THE WITNESS: My name is Gene Donahue.

7 WHEREUPON:

8 LT. GENE DONAHUE,
9 after having been sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. BRACKETT:

12 Q All right. Sir, would you tell the jury where
13 you're employed?

14 A I'm currently employed as a lieutenant with
15 the South Carolina Law Enforcement Division.

16 Q And what do you do as a lieutenant? What are your
17 job duties?

18 A I supervise a number of agents in their
19 day-to-day activities. I also assist in
20 investigating cases, assigning cases, that type
21 thing.

22 Q How long have you been in law enforcement?

23 A Thirty-four years.

24 Q And do you know the Defendant in this case,
25 Mr. Lewis?

1 A Yes, sir.

2 Q And how do you know him?

3 A I know him when he was elected sheriff. I
4 think I might have met him before that also, at
5 sample some point, when he was in law
6 enforcement.

7 Q Okay. When he was elected sheriff?

8 A Of Greenville County.

9 Q Of Greenville County. Do you have family that
10 works in Greenville County Sheriff's Office?

11 A I do have a brother who's a lieutenant.

12 Q Okay. Is he -- what does he do there?

13 A He is a lieutenant in uniform patrol, over a
14 platoon in uniform patrol.

15 Q How long has he been in the sheriff's office?

16 A He's probably been in law enforcement about
17 16, 18 years, somewhere in there.

18 Q And how long has he been a lieutenant?

19 A He was -- Johnny Mack Brown promoted him to
20 lieutenant, so it's only been a couple months.

21 Q Oh, okay. What was he before he was a
22 lieutenant?

23 A He was a sergeant prior to that.

24 Q And was he ever a lieutenant before he was a
25 sergeant?

1 A No. He was a sergeant under Steve Loftis,
2 and he was a sergeant under Will Lewis, and then a
3 sergeant under Johnny Mack.

4 Q Are you aware of any negative job changes for your
5 brother under Sheriff Lewis?

6 A No. As a matter of fact, he was -- he ran
7 the dog unit. Sheriff Lewis moved him to uniform
8 patrol. As a matter of fact, Sheriff Lewis gave
9 me a phone call and said, I just wanted to give
10 you the heads up that I was moving your brother to
11 uniform patrol. We need good supervisors over
12 there.

13 Q What part -- SLED is broken into regions, is it
14 not?

15 A Yes, sir.

16 Q And what region are you in?

17 A I'm in the Piedmont Region. It encompasses
18 the 12 counties in Upstate, South Carolina.

19 Q Including Greenville.

20 A Yes, sir.

21 Q So you would have worked with Sheriff Lewis on a
22 regular basis on cases not related to him being
23 investigated?

24 A That's correct.

25 Q This case was actually investigated by a different

1 region?

2 A It was.

3 Q In order to prevent any kind of question about
4 conflict of interest.

5 A Correct.

6 Q Now, do you know a lady by the name of Sidney
7 Salatì?

8 A I do.

9 Q How do you know her?

10 A She is a family friend. She was actually my
11 daughter's roommate at the University of South
12 Carolina and they both work for a company called
13 Prime Health Services in Nashville. And she was
14 her roommate there also. I've known Sidney
15 probably eight to ten years.

16 Q Would you recognize her if you saw a photo of
17 her?

18 A Oh, yeah.

19 (STATE EXH. 26, Photo; Sidney Salatì,
20 was marked for identification.)

21 BY MR. BRACKETT:

22 Q I'm showing you what's has been marked as
23 State's Exhibit 26 for identification purposes. Do
24 you recognize the woman in this photograph?

25 A Yes, sir. That's Sidney. Sidney Salatì.

1 Q No question in your mind about who that is?

2 A No question.

3 MR. BRACKETT: All right. Your Honor, I
4 would offer State's Exhibit 26 --

5 MR. WISE: No objection.

6 MR. BRACKETT: -- for identification into
7 evidence at this time, and I would ask to publish the
8 exhibit to the jury.

9 THE COURT: Okay.

10 (STATE EXH. 26, Photo; Sidney Salati, was
11 entered into evidence.)

12 BY MR. BRACKETT:

13 Q Now, are you aware of, in the spring of 2017, did
14 you have occasion to discuss with Mr. Lewis
15 Miss Salati?

16 A Yes, I did. I don't know what the
17 occasion -- what the occasion -- Sheriff Lewis
18 came with someone from his command staff. I think
19 Major Miller was over there. My major at the
20 time, Roger Holmes, was there, the captain was
21 there, and a lieutenant. I think they were
22 discussing an issue they had had on a crime scene
23 with an agent. And he took me to the side out in
24 the front lobby and told me that Savannah might be
25 leaving and did I think that Sidney would be

1 interested in taking that job. And I told him, I
2 said, I don't know. I'd have to get in touch with
3 her. He said, well, tell her that it pay is
4 somewhere around \$80,000, that I'll give her a
5 car.

6 Q How much?

7 A Somewhere \$80,000, in that range. I'll give
8 her a car and a computer. I said, well, I'll talk
9 to her and get her contact information for you.

10 Q Okay. And did you, in fact, get her contact
11 information and provide it to him?

12 A I did.

13 Q And did you hear anymore from him on this?

14 A I didn't hear anything else from him.

15 Q Did you communicate his offer to Miss Salati?

16 A I actually communicated it to my daughter who
17 was much easier to get a hold of.

18 Q All right. Was there any question in your mind
19 about the sincerity of his desire to engage
20 Miss Salati as his employee?

21 A No, not at all.

22 MR. BRACKETT: Thank you very much,
23 Lieutenant. Please answer any questions that
24 Mr. Wise might have for you.

25 THE COURT: Cross.

Testimony of Gene Donahue
CROSS-EXAMINATION

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1

2 BY MR. WISE:

3 Q When he contacted you, you say, about Miss Salati
4 sometime in the spring about the time Savannah Nabors
5 left?

6 A It was March, April of 2017. We had an
7 officer-involved shooting not too prior to that.
8 And, at the time, I don't know what the discussion
9 was. I got promoted to lieutenant in December of
10 2017, so I wasn't privy to the actual meeting. I
11 know that my lieutenant told me it had something
12 to do with the issue on the crime scene that had
13 happened with one of our agents.

14 We sat in the lobby at the SLED office and he
15 discussed it with me at that time, said she might
16 be -- Savannah might be leaving.

17 Q It was about the time -- do you know if she left
18 shortly thereafter, or do you --

19 A I didn't really keep up with the goings and
20 comings of the sheriff's office.

21 Q He made a reference that Savannah might be
22 leaving?

23 A Yes, he did.

24 Q Fine. I think we can figure the date out from
25 there.

1 A Okay.

2 Q And you actually -- when this case --
3 unfortunately, when Mr. Lewis got arrested, you
4 actually participated in the search of his house?

5 A I did. There was a -- the Midlands Region
6 investigated the case. They just asked for some
7 assistance that day manpower-wise and also
8 obtaining the search warrant.

9 Q Did you sign the search warrant?

10 A I did.

11 MR. WISE: Thank you very much.

12 THE COURT: Anything else?

13 MR. BRACKETT: No, sir.

14 THE COURT: All right. You may come
15 down, sir. Thank you very much.

16 MR. BRACKETT: Your Honor, if we could
17 have just a short break. I know lunch is --

18 THE COURT: How many more witnesses do you
19 plan?

20 MR. BRACKETT: We have one more short
21 witness.

22 THE COURT: All right.

23 MR. BRACKETT: If I could have a minute
24 or two, I could check to see if -- well, we
25 haven't even spoken to them.

Testimony of Gene Donahue
THE COURT: Go ahead and check.

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MR. BRACKETT: Yes.

If it pleases the Court, the State would call Sergeant Jennings. I appreciate your indulgence. I just needed a minute to talk to him.

THE CLERK: Please place your left hand on the Bible and raise your right hand. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

THE WITNESS: I do.

THE CLERK: Thank you. Please take a seat and state your name for the record.

THE WITNESS: It's Jennings Autry.

WHEREUPON:

JENNINGS AUTRY,
after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BRACKETT:

Q Sir, would you please tell the jury where you're employed?

A The Greenville County Sheriff's Office.

Q And what do you do for the Greenville sheriff's office?

A I'm the lead manager of the sheriff's office.

1 I work in the uniform patrol, but I work with our
2 legal service center and order cars and equipment
3 to outfit our patrol vehicles.

4 Q So as part of your daily duties, you are
5 responsible for managing the fleet of the sheriff's
6 department?

7 A Yes, sir.

8 Q And that could include trucks, cars?

9 A Yes.

10 Q All the vehicles --

11 A Yes, sir.

12 Q -- that the sheriff's department might need?

13 A Yes, sir.

14 Q So you order them?

15 A I get with the vehicle service center. They
16 control the budget. But the service center is
17 actually the ones who actually go and place them
18 after we sit down and discuss what to order, yes,
19 sir.

20 Q And the service center is part of?

21 A The County of Greenville.

22 Q Okay. And who managed the service center back in
23 2017?

24 A It was Alan Fairfield.

25 Q And he's no longer there?

1 A Correct.

2 Q Now, at -- do you know Savannah Nabors?

3 A Yes, sir.

4 Q How do you know her?

5 A She was the defendant's assistant.

6 Q Did you know her before she arrived with the
7 defendant?

8 A There was one meeting prior to him taking
9 office. That's the only time I ever met her.

10 Q Did you have occasion in -- around the time that
11 the sheriff took office, did you have occasion to
12 discuss with him personally the procurement of a
13 vehicle for Savannah Nabors?

14 A Yes, sir, I did.

15 Q Now, did he do this directly with you or did
16 someone else do it?

17 A Myself and, then, Captain Taylor met in his
18 office and he discussed he wanted to purchase a
19 vehicle for Miss Nabors.

20 Q Okay. And what kind of vehicle did he want to
21 purchase?

22 A Initially we discuss the Jeep Grand Cherokee
23 or something that was similar to that.

24 Q When you say "initially we discussed"?

25 A Yes. Myself, the sheriff, and

1 Captain Taylor.

2 Q Who broached the idea of a Jeep Grand Cherokee?

3 A The defendant.

4 Q Are there any other Jeep Grand Cherokees in the
5 sheriff's fleet?

6 A Currently, yes, there is one. It was
7 purchased earlier this year through some funds
8 through a Federal grant. But, at that time, no,
9 sir, I don't believe there were.

10 Q Okay. And, in general, in county fleet --

11 A Yes, sir.

12 Q -- did they purchase Jeep Grand Cherokees?

13 A I don't believe so. No, sir.

14 Q All right. And who maintains all these vehicles?

15 A I do, as far as making sure that we're
16 replacing the correct ones and all that. And
17 then, ultimately, the service center is the one
18 that orders and maintains on a daily basis as
19 well.

20 Q And, in January of 2017, did you inquire into the
21 viability of purchasing a Jeep Grand Cherokee?

22 A Yes, sir.

23 Q And what was the prognosis from the --

24 A There was no state contract at the time. I
25 don't believe it is on state contract now. But

Testimony of Jennings Autry

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1 there were other vehicles that were similar to a
2 Grand Cherokee.

3 Q What is the typical SUV purchased for the
4 sheriff's department.

5 A The Ford Explorer.

6 Q That's statewide?

7 A Yes, sir. It's on the state contract. Yes,
8 sir.

9 Q So, were you actually able to purchase a
10 Jeep Grand Cherokee?

11 A No, sir.

12 Q What did you end up purchasing?

13 A A Ford Explorer.

14 Q All right. How many cars are there, roughly? I
15 don't need a specific number.

16 A About 440, four hundred and forty.

17 Q And they are varying stages of age?

18 A Yes, sir.

19 Q Are you very familiar with the -- how officers
20 view their cars?

21 A Yes, sir.

22 Q How do they view them?

23 A They take pride in them. They want them --
24 that's their office. A lot of officers at the
25 sheriff's office at LEC, that's their office

1 during the 12, 14 hours a day.

2 Q Do you deliver new vehicles to the deputies?

3 A Yes, sir.

4 Q Is it a big deal?

5 A Yes, sir.

6 Q Showing you what's been marked as State's Exhibit
7 17, and ask if you can identify, or does that look
8 familiar to you?

9 A Yes, sir.

10 Q I haven't showed it to you before, but take a look
11 at it and see if you recognize it.

12 A Yes.

13 Q What is that?

14 A It is an order being placed through
15 Vic Bailey Ford for a 2017 Explorer, police
16 package Ford Explorer. And the second page is the
17 request for change of status for the fixed asset
18 inventory that is issued through the vehicle
19 service center for that 2017 Ford SUV.

20 Q And what is that? Are there any signatures on
21 that second page?

22 A Yes, sir. There is a signature by Wine
23 Tucker and Savannah Nabors on January 6, 2017.

24 Q What does that signature indicate?

25 A That she took possession of that vehicle, and

1 the keys, and all that.

2 MR. BRACKETT: Very good. Thank you,
3 sir. Please answer any questions counsel for
4 Mr. Lewis may have.

5 MR. WISE: I have no questions.

6 THE COURT: All right. Sir, you may come
7 down. Thank you very much.

8 MR. BRACKETT: That will conclude the
9 State's reply, Your Honor.

10 THE COURT: All right. Thank you. All
11 right. Ladies and Gentlemen, that concludes the
12 evidence in this case. The remaining portion of
13 the trial will consist of the final arguments or
14 summations by the attorneys, and my final
15 instructions to you on the law of South Carolina
16 as it applies to this case. It will then be
17 turned over to you for deliberation.

18 Anybody hungry? Your lunch should be
19 here in six minutes, I think. I'm not sure. But
20 we are going to take our lunch break, and it's
21 going to be an extended lunch break this time.
22 I'm going to ask you to be back in the courtroom
23 at two o'clock. And today, after you finish your
24 lunch, you can leave the building and return. I
25 don't know how we're going to do that, but we'll

1 talk about it. Okay? Let you get a little fresh
2 air or something. Okay? But I don't want to keep
3 you locked in that room until two o'clock,
4 especially after you've eaten and the room smells
5 like food.

6 So just relax in the jury room until your
7 lunch gets there. Go ahead and eat your lunch,
8 and I'll be back in touch with you about maybe
9 letting you get out, get a little air or
10 something. Okay?

11 All right. Thank you very much, Ladies
12 and Gentlemen. Please don't start discussing the
13 case at the present time.

14 (Jury exits the courtroom at 12:08 p.m.)

15 THE COURT: All right. Counsel, just
16 give me an idea how you wish to proceed at this
17 point.

18 MR. WISE: Can we take about five
19 minutes?

20 THE COURT: Well, we can five minutes.
21 We can take ten minutes. What I wanted to know,
22 do you want to take a lunch hour first -- or lunch
23 break first and then talk about the charges, or do
24 you want to do that now and then take a lunch
25 break?

Testimony of Jennings Autry

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1 MR. WISE: I'm inclined to, kind of, do
2 it now, because then we may fine tune it a little
3 bit in writing when we come back, or we can --

4 MR. BRACKETT: I agree with counsel. I
5 have no problem doing it now so that we know what
6 we're preparing to say.

7 MR. WISE: Okay.

8 THE COURT: Take ten minutes and gather
9 your thoughts.

10 MR. WISE: Okay.

11 THE COURT: And if you have any case law
12 or anything you want me to review and --

13 MR. WISE: I emailed something last
14 night. I haven't found anything since then.

15 THE COURT: All right.

16 MR. BRACKETT: I have a couple of cases I
17 can hand up.

18 THE COURT: All right.

19 MR. BRACKETT: I'll provide copies. I'll
20 leave them on counsel's table, is that fine?

21 MR. WISE: Yes, that would be fine.

22 (A break was taken at 12:10 to 12:30 p.m.)

23 THE BAILIFF: Remain seated. Court will
24 come to order. Court is in session.

25 THE COURT: Be seated.

1 All right. With regard to the charges,
2 we did incorporate, Mr. Wise, that one specific
3 intent charge that we overlooked. It's in there
4 now. But I will admit to you that I had
5 difficulty in defining both common law and
6 statutory in terms that the jury can, sort of,
7 sink their teeth into.

8 Now, the request to charge as presented
9 by the State cures a lot of those problems, I
10 think.

11 MR. WISE: Your Honor.

12 THE COURT: And so I'm going to put to
13 you, Mr. Wise, what's lacking or inaccurate about
14 the State's proposed request to charge?

15 MR. WISE: I think -- first of all, I
16 think a lot of what is in there is covered in your
17 charge already.

18 Secondly, the first, second, third --
19 fourth paragraph on the first page where it said,
20 "In regard to oppression by a public official, the
21 South Carolina Constitution secured the right of
22 people to be free from unreasonable invasion of
23 privacy," I don't see how that relates to anything
24 in this case.

25 THE COURT: Well, let's talk about it.

1 Solicitor?

2 MR. BRACKETT: Your Honor, this relates
3 to the testimony from State's witness, Drew
4 Pinciario, and also elicited on cross-examination
5 from the defense witness, Chad Ayers, and also
6 alluded to by and specifically pointed out by
7 numerous sheriff's office employees that the
8 defendant was specifically prohibiting other
9 officers in the department from associating with
10 Savannah Nabors, limiting their free run of
11 association and improperly intruding on their
12 right to privacy. Who they choose to associate
13 with, whether Chad Ayers or Drew Pinciario, or any
14 other member who wanted to commence a relationship
15 with Savannah Nabors, is none of this defendant's
16 business. But because he was the sheriff, and
17 because he was empowered and in control of and
18 managed these people, and, as he said, they worked
19 at his pleasure, he was able to intimidate them
20 from associating with her.

21 That's an invasion of her privacy and
22 there's. It's none of his business who they
23 choose to see after hours. But it affected them,
24 as Chad Ayers, to the point where he hid his car
25 in her garage when he went to visit her, because

1 he was concerned that the defendant would find out
2 and hold it against him, and he was in a position
3 to do so because he was the sheriff, because he
4 was in the position that he was.

5 And that is oppressive and it is a
6 violation of a citizen's right to associate with
7 whoever they want. And that is a right that's
8 guaranteed under the constitution of South
9 Carolina.

10 MR. WISE: Your Honor, every police
11 department that I know of has regulations about
12 who people can associate with. Most of them say
13 you can't associate with people with known
14 criminal records.

15 Secondly, there was no testimony that any
16 punitive action was ever taken. I think there was
17 testimony about the fact that -- from Mr. Lewis
18 about the fact that he, basically, didn't want
19 loose talk going on his department. That's one
20 reason that he didn't want Savannah associating
21 with other people in the department.

22 Who she associated with in her private
23 life was literally her business, unless it
24 affected company business. But I don't see how
25 that rises to a level of crime either way.

1 THE COURT: I agree with you.

2 MR. WISE: Okay. The last paragraph on
3 the second page, I think does clarify a lot of
4 problems that I had. If we could make one change
5 in the sentence that begins -- it's the first,
6 second -- third line down, that usually requires
7 service to the public of the highest validity and
8 refusal to be influenced by corrupting motives
9 and --

10 THE COURT: Wait a minute.

11 MR. BRACKETT: No.

12 MR. WISE: -- and et cetera.

13 THE COURT: I'm not on the same page.

14 MR. BRACKETT: Where are you?

15 MR. WISE: Page 2.

16 MR. BRACKETT: Which paragraph?

17 MR. WISE: Well, there's only one
18 paragraph on 2.

19 THE COURT: No, no.

20 MR. WISE: Oh, excuse me. I'm sorry, 3.
21 I apologize.

22 THE COURT: All right. Go ahead. Now,
23 we're on the same page.

24 MR. WISE: You're right. Literally and
25 figuratively. "That duty requires service of the

1 public of the highest fidelity and refusal will be
2 influenced by corruptive motives, as well as
3 honest, integrity, and good faith." And if we
4 added at the end, "In the performance of their
5 official duties," which is, kind of, what you had
6 said elsewhere, then I think that's a pretty
7 accurate statement.

8 MR. BRACKETT: I don't have a problem
9 with that.

10 THE COURT: Tell me again where it is.

11 MR. WISE: It's at the end of the phrase
12 of "good faith." Right before State vs. Stevens.

13 MR. BRACKETT: Would you like us to add
14 that in, Your Honor? We've got our charge in --

15 THE COURT: Yes.

16 MR. BRACKETT: -- the computer.

17 THE COURT: Yes.

18 MR. BRACKETT: We will make --

19 THE COURT: Yes.

20 MR. BRACKETT: -- modifications as we go
21 along, as you approve them.

22 THE COURT: Yes. And delete the invasion
23 of privacy.

24 MR. WISE: And then in a similar vein --

25 THE COURT: We're still on 3?

1 MR. WISE: No, we're back to 2. I've
2 got three pages. My memory is shorter than it
3 used to be. And the paragraph that begins, "Under
4 the common law..."

5 THE COURT: "Under the common law," okay.

6 MR. WISE: The sentence in there that begins,
7 "Public officials must be impervious to corrupted
8 influences" and "they must transact the duties of
9 their office frankly and openly in the light of public
10 scrutiny."

11 THE COURT: Right.

12 MR. WISE: Because if you just say
13 business, somebody could say personal business,
14 and it's not true.

15 THE COURT: So what words do you want to
16 insert?

17 MR. BRACKETT: "Official."

18 MR. WISE: On their official business.
19 That would be fine, too. Same thing.

20 THE COURT: Official?

21 MR. WISE: Just emphasize it's not
22 personal business.

23 THE COURT: All right. We'll add the
24 word "official".

25 MR. WISE: And getting back to

1 Your Honor's charge on page 8.

2 THE COURT: Let me -- 8, all right.

3 MR. WISE: It's back again to the problem
4 involving the statutory language. I don't think
5 all of them remotely apply in this case. And
6 they're just aren't good definitions for a lot of
7 them. I don't see how fraud is in this case.

8 THE COURT: Just hold on. Let's go
9 through them one at a time. That's what the
10 statute says.

11 MR. WISE: I understand that's what it
12 says. I just think there has to be some evidence
13 in the record to back it up.

14 THE COURT: All right. Habitual
15 negligence.

16 MR. WISE: I don't think there's anything
17 about habitual negligence.

18 MR. BRACKETT: I don't contend that.

19 THE COURT: All right. Corruption.

20 MR. WISE: I don't think there's anything
21 about corruption.

22 MR. BRACKETT: Here we're going to
23 differ. I think this is --

24 THE COURT: I think I would leave that
25 In.

1 MR. WISE: Fraud.

2 MR. BRACKETT: Again, misrepresenting the
3 purpose of expenditures of public money is a fraud
4 perpetrated on the citizens. So you cannot spend
5 money --

6 MR. WISE: If there's a
7 misrepresentation. I don't think there's any
8 evidence of misrepresentation.

9 MR. BRACKETT: Or attempt to. He doesn't
10 have to succeed in order for him to commit a
11 misconduct. He can try and fail and still --

12 THE COURT: Tell me about fraud. We're
13 not looking at the civil definition of fraud.

14 MR. BRACKETT: No. I believe the -- my
15 contention, and what I intend to argue is that
16 everything that he did with Savannah Nabors, from
17 hiring her at her salary, providing the perks that
18 he did, was all a fraud perpetrated on the
19 taxpayers of the people of Greenville all the way
20 through the trip to Charlotte.

21 THE COURT: Okay. I'll leave it in. And
22 oppression?

23 MR. WISE: And then oppression, that was
24 the one we struck with citing the constitution.

25 MR. BRACKETT: And that's what I'd like

1 to come back to, if I could, Your Honor. I want
2 to make sure I understand it, because I need to
3 make sure my argument is tailored.

4 THE COURT: Well, I guess my objection is
5 to the unreasonable invasion of privacy, which is
6 a constitutional provision. But you've used
7 oppression in different ways during the course of
8 the trial. And tell me why oppression should be
9 left in there.

10 MR. BRACKETT: I don't think that I have
11 to use the specific word "oppression" from a
12 witness. Although, I did, to make a point, you
13 might recall.

14 THE COURT: Right.

15 MR. BRACKETT: I think that the evidence,
16 when taken in total, can amount to oppression,
17 whether or not the word itself is actually used.

18 And my contention is, and what I was
19 attempting to accomplish with the Fourth Amendment
20 language, which I understand if you want to strike
21 it, but I don't think -- and this would harken
22 back to some of the other language from the cases
23 that I tendered to the Court. There are duties
24 which are inherent in the office in which a person
25 is installed, which do not need to be specified.

1 They are subject to common sense interpretation.
 2 Nobody needs -- in the Leopold case from Maryland,
 3 Your Honor, that was a public official who was
 4 making an employee change a colostomy bag. The
 5 Legislature does not need to say, you may not make
 6 your employee change your colostomy bag. This is
 7 just common sense. You don't have to say that.

8 So, likewise, I don't think that there
 9 needs to be a specific statute somewhere that says
 10 you cannot threaten implicitly someone's job or
 11 their career trajectory within a public agency if
 12 they do something that is within their right to do
 13 privately. Again, nobody has a right to tell
 14 Chad Ayers who you can see or who he can't, or any
 15 other officer there. What they do in their
 16 private life is their business.

17 I take exception with Mr. Wise's argument
 18 that, you know, that every police agency has
 19 restrictions on who you can associate with. I
 20 think, you know, your private life -- just because
 21 you are a public employee doesn't mean you forfeit
 22 all rights to see who you want to see.

23 And the evidence is clear from numerous
 24 witnesses that this man was intimidating his
 25 employees and preventing them with associating

1 with Savannah Nabors.

2 THE COURT: There is evidence to that
3 effect. I understand.

4 MR. BRACKETT: And so I think that is an
5 improper use of his office and constitutes
6 oppression and it constitutes misconduct. You
7 can't make them not see somebody anymore than you
8 can see make your secretary change her colostomy
9 bag.

10 THE COURT: All right. But I'm still not
11 going to add the unreasonable invasions of
12 privacy.

13 MR. BRACKETT: Yes, sir. That was the
14 only language I could find that came close. I was
15 trying to find something. But, I think this is
16 one of those inherent, obvious obligations imposed
17 on any public official --

18 THE COURT: I'm going to --

19 MR. BRACKETT: -- to use their power that
20 way. And so I don't think we need to have a
21 specific charge. What I'm saying is, I think I
22 can argue oppression based on that testimony.

23 THE COURT: Oh, I agree with you.

24 MR. BRACKETT: Thank you.

25 THE COURT: You certainly can argue it.

Testimony of Jennings Autry

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1 The question is whether -- the simple
2 question is, and, you know, I don't need to -- I
3 was thinking last night, I don't need to recite
4 the terms of the indictments over again, which I
5 did in this first draft.

6 The indictments -- well, I say they speak
7 for themselves. And the problem is, I can't send
8 the indictments to the jury room, obviously.

9 MR. BRACKETT: Yes, sir.

10 THE COURT: But I can either repeat the
11 indictments -- and maybe it would be good to
12 remind them what the indictments say. I think
13 from that, I'll leave it in.

14 But as far as the word "oppression,"
15 that's in the statute. I'll leave it in.

16 MR. BRACKETT: Thank you, Your Honor.

17 THE COURT: There's some scintilla.
18 Don't we love that word?

19 MR. BRACKETT: It's a fine word.

20 THE COURT: All right. Anything else,
21 Mr. Wise?

22 MR. WISE: Nothing that isn't covered in
23 some of our other arguments about the vague
24 language of both charges.

25 THE COURT: I'm probably going to redo

1 them in light of the State's request to charge.

2 MR. WISE: The other thing that you did
3 not include a charge of the mere act of adultery
4 is not sufficient to convict.

5 THE COURT: No.

6 MR. WISE: That we discussed earlier.

7 THE COURT: Is the State aware that you
8 requested that?

9 MR. WISE: Well, we discussed it at the
10 bench in one of my charges earlier in voir dire,
11 and you said you'd do it later. And I think after
12 the argument, last week --

13 THE COURT: I think it's appropriate.

14 MR. WISE: Yeah.

15 MR. BRACKETT: I'm just concerned it's a
16 comment on the facts. I'm trying to think of
17 another way to say that. I would be happy to
18 argue that, if they don't believe anything else
19 happened but the act of adultery, then they
20 shouldn't convict. But I don't want -- I'm just
21 cautious about the Court --

22 THE COURT: Well, you haven't given me a
23 case to support it --

24 MR. WISE: Well, I --

25 MR. BRACKETT: And, actually, we have

1 provided a case that specifically says that
2 inherent in the job of a law enforcement officer,
3 is that they not only enforce the laws, but that
4 they obey them themselves. And there's a law
5 against adultery. I don't know that that's
6 appropriate.

7 MR. WISE: I don't know if that's
8 constitutional, but I think you have to support
9 the constitutional laws.

10 THE COURT: When is the last time you
11 charged somebody with adultery and prosecuted
12 somebody.

13 MR. BRACKETT: I have given a number of
14 people immunity in Family Court so that they could
15 not exert their Fifth Amendment right. But I have
16 to concede, I have never prosecuted.

17 MR. WISE: I think we can tweak it and
18 say "solely based on adultery," then that would be
19 ease your concern.

20 THE COURT: Get me some language.

21 MR. BRACKETT: We're getting closer. I think
22 we can make a draft --

23 THE COURT: Give me a consent provision,
24 which -- I mean, the simple words, adultery in and
25 of itself is not a crime.

1 MR. WISE: Right, that's correct. And
2 not a basis for misconduct in office.

3 MR. BRACKETT: Miss Robinson said --
4 Miss Robinson just pointed out in the case we
5 cited, the thing -- and this goes to, sort of, the
6 heart of my concern.

7 THE COURT: Where?

8 MR. BRACKETT: In the final -- the second
9 to last paragraph on page 2 with the case -- the
10 language cited from State vs. Parker at 124
11 New Jersey 628, "The benefit need not be pecuniary
12 in nature and the injury need not be physical,"
13 because we're not trying to -- you know, you can
14 benefit from a sexual relation. I mean, the
15 benefit could be sexual, and that might be the
16 benefit he's deriving from his improper conduct.

17 THE COURT: That's pretty vague.

18 MR. BRACKETT: Well, it's the direct quote
19 from Parker's language.

20 THE COURT: I don't know if Parker was an
21 adultery case either.

22 MR. BRACKETT: No. But the general
23 proposition is, you don't have to get money in
24 order to call it --

25 MR. WISE: Judge, finding an adultery

1 case of misconduct in this world is, I think,
2 impossible, because I haven't found one.

3 THE COURT: All right. I will give an
4 instruction which says, "Adultery, in and of
5 itself, is not a crime."

6 MR. WISE: And not -- and, in of itself
7 not a basis for conviction of these charges.

8 THE COURT: No. I'm not going to go
9 there, because that's what we've been doing all
10 morning.

11 MR. WISE: What we've been doing for
12 three days.

13 THE COURT: Three days. I think there,
14 then you're commenting on the facts. I can't say
15 adultery is not a basis for this -- for misconduct
16 in office, I think is way beyond the pale.

17 MR. WISE: And I'm not arguing that. I
18 mean, it's -- the example I always give when we
19 talk about cases like this, if some officer on the
20 street told some woman that I'll throw away this
21 cocaine if you have sex with me, that may be
22 adultery, but is not the adultery, in and of
23 itself, that created the misconduct in office.
24 It's the fact that he did an exchange for not
25 enforcing the law.

1 THE COURT: You can tell the jury that..

2 MR. BRACKETT: Okay. Miss Robinson

3 has --

4 THE COURT: Why isn't she standing?

5 MR. BRACKETT: I was wondering that
6 myself, Your Honor. I'm just to going to repair
7 my seat --

8 MS. ROBINSON: Your Honor, if I may,
9 going back to that second page, in those last two
10 paragraphs before "Duties of the office of
11 sheriff," both of those talk about --

12 THE COURT: You're talking about to
13 sustain a conviction?

14 MS. ROBINSON: Yes.

15 THE COURT: All right.

16 MS. ROBINSON: We're having all this talk
17 about adultery and questioning is adultery
18 criminal, is it not, the point of these two
19 paragraphs is to say, a criminal convict --
20 proving a criminal offense alone, if we agree that
21 adultery is a criminal offense, isn't enough. It
22 has to be connected to duty.

23 The next paragraph says, though, you
24 don't actually have to prove a criminal act --
25 sorry, I put the first one. You don't have to

1 adultery in and of itself is not a crime. Because
2 when you say crime, such as, adultery, I think
3 the -- that's a clear statement that's not even
4 arguably a charge on the facts. It's a statement
5 of the law.

6 MR. BRACKETT: How about -- hold on, let
7 me just run one thing.

8 THE COURT: I don't know --

9 MR. BRACKETT: How about --

10 THE COURT: Go ahead.

11 MR. BRACKETT: The proof of adultery
12 without proving connection to his official duties,
13 proving a connection to his official duties would
14 not constitute misconduct. In other words, if all
15 we've proven --

16 MR. WISE: Well, how about -- I'm going
17 to tweak that slightly, because I like what you're
18 saying. And --

19 MR. BRACKETT: I'm just worried about
20 using adultery --

21 MR. WISE: I agree.

22 MR. BRACKETT: -- as an example. I think
23 this addresses his problem. The paragraphs that
24 Miss Robinson referenced addresses the problem
25 Rauch brought up several weeks ago when he said,

1 you can't -- or days maybe. It seems like weeks.
2 You can't indict a police officer who speeds but
3 doesn't write himself a ticket, because he didn't
4 enforce the law. I agree with that proposition.
5 But the speeding is not connected to his official
6 duties. It's just a separate criminal act. So
7 that, by itself, he would have to, you know, be
8 using his blue light to speed to the grocery or
9 the liquor store before it closed, that would be
10 -- now, he's speeding in connection with his
11 official duties because he's activated his blue
12 light for personal gain of beating the closing
13 time of the liquor store.

14 MR. WISE: And I think I would agree with
15 that. If you say adultery in violation of his
16 official duties --

17 MR. BRACKETT: My concern is --

18 MR. WISE: Because that's been the theme
19 everywhere else, is the violation of official
20 duty.

21 MR. BRACKETT: Of all the crimes in Title
22 16, why are we picking adultery out as the crime
23 to use as the example, when the proposition of the
24 law always should be focused on, not the specifics
25 of adultery. Because we are penetrating right

1 into the evidence and it could be taken as a
2 comment on the evidence.

3 THE COURT: I don't even know that the
4 jury has been -- that the jury realizes that
5 adultery is a crime under Title 16.

6 MR. BRACKETT: They might not. I'm not
7 going to argue it. But I think -- you know, I'm
8 just concerned.

9 MR. WISE: All jurors are presumed to
10 know the law, just like all defendants are.

11 THE COURT: Okay. If you come up with a
12 -- I'm going to go and make the changes. If you
13 can come up with some language on this issue
14 satisfactory to both parties, if not, I'll do it
15 my way. But I'd rather that you come to some
16 consensus on that issue.

17 MR. WISE: Okay.

18 MR. BRACKETT: All I want to do is to
19 devise a hypothetical that doesn't directly link
20 to the facts of this case. Devise a hypothetical
21 that explains it, which is easily done, like my
22 liquor store example, or the theft. If you said,
23 he's a public official and he stole something, but
24 he stole something from Walmart. Well, that's
25 unrelated to his job. But if he stole something

1 from his workplace, from a place that only he had
2 access to because he had been given a key and was
3 entrusted with the key to the storehouse that held
4 this precious thing, that would be misconduct
5 because it directly relates to his job.

6 Can we fashion an example that just makes
7 it clear to the jury without saying adultery.

8 THE COURT: I don't know whether you're
9 talking about the final argument, or whether
10 you're talking about crafting a charge. I mean,
11 you can argue all you want.

12 MR. BRACKETT: Yes, sir. I would be
13 happy -- what I'm saying is, I believe in plain
14 language charges, and I think that would make
15 sense to a jury a whole lot more than just reading
16 the law. And they'll get this -- then write that
17 example out that's not adultery. It will explain
18 what we're to explain, without commenting on the
19 facts of this particular case.

20 THE COURT: If Miss Robinson can fax
21 these modifications or changes to me with some
22 language.

23 MR. BRACKETT: We will --

24 THE COURT: With something on the
25 adultery language?

1 MR. BRACKETT: Yes, sir. We'll email
2 them to you.

3 THE COURT: The other thing that I think
4 we ought to put on the record is the question of
5 whether or not -- I mean this -- back to the one
6 charge, one homicide, one punishment, and
7 whether -- this was raised by Mr. Wise, whether
8 both of these charges can be sent to the jury, and
9 the jury can convict on both charges. I see he's,
10 otherwise, involved right now.

11 MR. WISE: I'm listening.

12 I don't think they can convict on both.

13 THE COURT: Well, I -- just rereading Greene,
14 the State cannot be allowed to be required to elect
15 between counts of the indictment when they charge
16 offenses of the same character and refer to the same
17 transactions, whether or not one charge is a common
18 law offense and another a statutory offense. Now,
19 that's Greene.

20 And if I can't make the State elect, I
21 can certainly tell the jury that they can find not
22 guilty on both. They can find guilty on only
23 one.

24 MR. WISE: Right. I think that's correct.

25 MR. BRACKETT: My position, Your Honor,

1 is that the State has provided, looking back to
2 the plain language agreement, Justice Kittredge's
3 opinion, "After indicting a felon on varying
4 homicide charges" --

5 THE COURT: What are you reading from?

6 MR. BRACKETT: Well, Greene.

7 THE COURT: Where?

8 MR. BRACKETT: This would be under
9 headnote 5. It is the first, second, third,
10 fourth, fifth -- sixth full paragraph that starts,
11 "The flaw in the State's argument..."

12 THE COURT: Hold on. Not --

13 MR. BRACKETT: Page --

14 THE COURT: No section 5.

15 MR. BRACKETT: Headnote 5 under, on page
16 9.

17 THE COURT: Okay. I printed from a
18 different -- headnote 5.

19 MR. BRACKETT: Headnote 5. Yes, sir.

20 THE COURT: Okay. Go ahead.

21 MR. BRACKETT: "The State ultimately
22 elected to pursue a single theory of liability."

23 THE COURT: Right.

24 MR. BRACKETT: There's only one way that
25 this woman is guilty of killing this child,

1 because only one child died.

2 THE COURT: Right.

3 MR. BRACKETT: You can't be convicted and
4 punished for two homicides when only one child
5 died. And there's only one way that the State
6 alleged that this child was killed.

7 THE COURT: Right.

8 MR. BRACKETT: Here, we have multiple
9 theories. We have the theory that he used his
10 official office to oppress Savannah Nabors and
11 other deputies within the office to restrict their
12 freedom of association.

13 We have the theory that he was using
14 county money to raise her salary and give her
15 perks that she was not -- were not justified by
16 her experience for the purpose of grooming her for
17 sexual exploitation.

18 That he pursued a scheme to take her on a
19 trip that was not justified by, you know, what she
20 would derive from it for the sole purpose -- and
21 he admitted this on the witness stand, for the
22 purpose of having sex with her in Reno.

23 So there are -- the jury could conclude
24 that he's guilty of oppression. He's guilty --

25 THE COURT: So what does the indictment

1 charge?

2 MR. BRACKETT: Which indictment,
3 Your Honor?

4 THE COURT: Either one. The to wit.

5 MR. BRACKETT: Misconduct of a public
6 officer.

7 THE COURT: To wit.

8 MR. BRACKETT: Number 8180. This is the
9 statutory one first.

10 THE COURT: To wit.

11 MR. BRACKETT: Charges that. Well, it's
12 an indictment that charges misconduct in the
13 general language, and then count one. But the
14 general language is included in each count. But
15 the first paragraph at the top.

16 THE COURT: Sure.

17 MR. BRACKETT: That William Lewis did, on
18 or about January 3, 2017 to April 17, 2018, commit
19 the crime of misconduct of a public officer.

20 THE COURT: Okay.

21 MR. BRACKETT: During the above listed
22 dates, William D. Lewis was the Greenville County
23 Sheriff, who is a public officer, who's authority
24 is limited to the single election District of
25 Greenville County, South Carolina.. William D.

1 Lewis committed the crime of misconduct of a
2 public officer by performing acts of official
3 misconduct, habitual negligence, corruption, fraud
4 or oppression, to wit, William Lewis did from the
5 date he took office, misuse public resources and
6 abused the power and authority of his office.

7 There's two different things; misusing
8 public resources --

9 THE COURT: They both say the same.

10 MR. BRACKETT: Well, that's -- this is
11 the double jeopardy argument. We've already
12 gotten past that. Their double jeopardy doesn't
13 apply. They're two separate charges. This one --

14 THE COURT: We're not talking about
15 double jeopardy. We talking about double
16 punishment.

17 MR. BRACKETT: No, sir. I understand.
18 But they're two separate criminal acts. This one
19 he has to be a public official elected in the
20 single district for a single term, and he did
21 that.

22 Here, he's a public official who
23 willfully engages in misconduct. This one doesn't
24 require a willful conduct. This one does. So in
25 this one, he has duties that are specifically

1 imposed on him by law.

2 There's no reference to the duties in the
3 statutory misconduct. There's no duties that he's
4 violating. He's misusing the power and authority
5 of his office to oppress, corruption, fraud,
6 that's statutory.

7 On the common law side he has --

8 THE COURT: Both of them, he's charged
9 misconduct in office. Both of them, he's charged
10 with this -- what they call adulterous
11 relationship.

12 MR. BRACKETT: One of them, he's charged
13 with misconduct as a public officer, which is an
14 elected official. The other one is misconduct in
15 office. They are different charges. And that's
16 why I'm confused about the double jeopardy. If
17 they are different charges, he can be punished
18 excessively for them. So they are different
19 charges.

20 THE COURT: You know, I understand that.

21 But also go on in Greene, the same
22 paragraph you're talking about, and he says,
23 "Appellant could not be found guilty of both
24 homicide by child abuse and involuntary
25 manslaughter. In this situation, the jury should

1 have been instructed that the depending on their
2 view of the evidence they could find the appellant
3 not guilty on both homicide offenses, guilty of
4 homicide by child abuse, or guilty by involuntary
5 manslaughter, but may not find appellant guilty of
6 both homicide charges."

7 MR. BRACKETT: Because in that case there
8 was only one way to conclude that she was guilty
9 of homicide in the first place. There's only one
10 theory of liability.

11 He could be guilty of misconduct in
12 office as a public official because of the
13 oppression.

14 Let me make sure I got the right one here.
15 This is the common law.

16 He could be guilty of misconduct as a
17 public official under the statute because of
18 oppression. There is no oppression in the other
19 one. That's a separate theory of liability.

20 On the one hand, he is manipulating the
21 officers in his department and using his authority
22 to keep them away from Savannah and depriving them
23 of their right to associate. That's one theory.

24 Then on the other hand, he's misusing the
25 -- attempting to misuse the money to take her to

1 Reno to have sex. That's a second theory.
2 There's two ways he could be guilty. And he could
3 be guilty under the misuse of money under the
4 fraud.

5 We can't put ourselves in the position of
6 deciding how the jury is going to conclude he's
7 guilty when there are two or three different ways
8 that they could arrive at that conclusion.

9 And if there are more than one theory of
10 liability, that's the key language in Greene, one
11 theory of liability. Only one way she could have
12 been guilty. Her breast milk was contaminated.
13 She fed her child. The child died. There's no
14 other way that that child died but that. That's
15 the only theory that the State proceeded under.
16 We have more than one theory and Greene doesn't
17 apply.

18 MR. WISE: I think I can simplify this a
19 little bit -- I hope anyway. I don't think
20 Solicitor Brackett can come up with a violation of
21 the statutory provisions -- the facts of the
22 statutory provision, that would not also be a
23 violation of the common law.

24 And, likewise, I don't think he can give
25 me factual scenario under the common law that

1 would not also be a violation of the statutory --
2 of the statute also.

3 So -- and Blockburger literally talks
4 about looking at the facts that are proven. And
5 if you prove oppression, whatever that word means,
6 under his theory that would also satisfy common
7 law.

8 MR. BRACKETT: Blockburger doesn't talk
9 about talks facts proven. It talks about
10 elements.

11 MR. WISE: I uses the elements.

12 THE COURT: The problem is, there are no
13 elements to the common law.

14 MR. BRACKETT: There are elements to the
15 common law.

16 THE COURT: It's so broad.

17 MR. BRACKETT: Well, he's got -- he
18 breached their duties. There is a willful breach
19 of duties. There is no requirement for any duties
20 imposed on -- in statutory. There are duties that
21 are recognized in common law. Those are the
22 duties that we recognize in those cases I handed
23 up, that a police officer has duty of fidelity,
24 honesty, integrity, all those things, none of that
25 is applicable to the statutory. The statutory has

1 a misconduct, habitual negligence, corruption,
2 fraud, or oppression. Those are the
3 reasons you can convict under statutory.

4 Here you find the duty, then you find the
5 breach of that duty, and then you arrive at conviction
6 once you've proven you're a public official.

7 Here you have a specific list of things
8 that they can to violate the law if they are an
9 elected official for a single district. That's
10 the Blockburger test. There are different
11 elements for these. These are two separate
12 charges.

13 I know the name makes it similar, but one
14 actually says, misconduct of a public official --
15 of an elected official or a public officer. And
16 the other one says, misconduct in office. So this
17 is specifically limited to those people who are
18 defined as a public officer, which are elected
19 officials for one district for a specific term.

20 These are two separate charges, and there
21 are two theories of liability -- three, because
22 they could convict --

23 THE COURT: All right.

24 MR. WISE: I did send an email to
25 everybody about a proposed charge and I found that

1 we have to deal with the moral crime scenario
2 that I think is satisfactory. And it simply says,
3 "The mere commission of an immoral act or a crime
4 is not sufficient to convict." "The immoral act
5 of a crime must be in violation of the duties of
6 the public official while in his office,"
7 something to that effect. You can read it. It's
8 two sentences and it's brief. It does --

9 THE COURT: Let me see what the lawyer
10 for the State says.

11 MR. BRACKETT: I haven't seen it.

12 MS. ROBINSON: I haven't received an
13 email. You sent it just now?

14 MR. WISE: Yes.

15 LAW CLERK: I received it, but I think it
16 was only sent to me.

17 THE COURT: Only sent to me -- us.

18 MR. WISE: Oh. Well, I did a reply to
19 everyone on one of them that we got.

20 MR. WISE: Oh, here it is. It went to
21 me.

22 THE COURT: Okay.

23 MR. WISE: Hold on. My language --

24 MR. WISE: I've got it, if you want me to
25 read it out.

1 MR. BRACKETT: You want this in addition
2 to the language we've included?

3 MR. WISE: Well, we could probably
4 include it in, yeah. I think it addresses some of
5 my concerns. It addresses all my concerns.

6 THE COURT: Well, I've been reversed in
7 not giving requested instructions.

8 MR. BRACKETT: I think we're close, if we
9 can add this. We have, Your Honor, "Conversely,
10 proof of another otherwise criminal act does not
11 necessarily..." --

12 THE COURT: Hold on. Hold on.

13 MR. BRACKETT: That's going to be the
14 final paragraph.

15 THE COURT: I've got it.

16 MR. BRACKETT: "Conversely, proof of an
17 otherwise criminal act does not necessarily prove
18 common law misconduct in office."

19 And then he wants, "a criminal or an
20 immoral act committed by a public official is not
21 a basis for a conviction."

22 That crime -- and then we would then --
23 our next sentence would say, "The misconduct must
24 be done in an official capacity under cover of the
25 office when he exercises other duties to sustain a

1 conviction."

2 Does it have to have or a moral act?

3 MR. WISE: Yes.

4 MR. BRACKETT: I think that's --

5 MR. WISE: Yeah.

6 THE COURT: Agreed?

7 MR. BRACKETT: I'm sorry?

8 THE COURT: Agreed?

9 MR. WISE: I think the one difference is,
10 he limits it to these common law misconduct in
11 office, and I think it should apply to both of
12 them, because it's a true statement.

13 THE COURT: Just take the words "common
14 law" off of it.

15 MR. WISE: No, I think --

16 THE COURT: Prove misconduct.

17 MR. WISE: Misconduct in office out, and
18 just make it a general charge that applies to both
19 indictments.

20 MR. BRACKETT: "...not a basis for a
21 conviction for common law misconduct in office?

22 MR. WISE: No. It applies to both. It
23 should apply to both of them.

24 THE COURT: You just want to take the
25 words "common law" off?

1 MR. BRACKETT: If we are in agreement
2 that both of them are going back, then I would be
3 happy to.

4 THE COURT: All right. Both of them are
5 going back.

6 MR. WISE: Whether they convict on both,
7 is a different story.

8 MR. BRACKETT: That's the question. I
9 want to know before they both go back, can they be
10 convicted of both?

11 THE COURT: I'm not going to restrict
12 them. I hope the jury will pull us out of this
13 vehicle.

14 Mr. Wise, if I just strike the words
15 "common law" off there, "...does not necessarily
16 prove misconduct in office."

17 MR. WISE: Let me get his charge again in
18 front of me. It's not a basis for conviction.
19 Proof of otherwise criminal -- I want to say
20 "criminal or immoral act does not necessarily
21 prove" -- is not necessary, is not --

22 MR. BRACKETT: "Does not necessarily
23 prove misconduct in office."

24 MR. WISE: I'm going back to what I had.
25 My two sentences include crimes of moral acts, all

1 right?

2 THE COURT: All right.

3 MR. WISE: And it applies to both
4 indictments. I think that's correct.

5 THE COURT: All right. I'm going to make
6 the changes. You have our email?

7 MS. ROBINSON: I have email of what we
8 had.

9 THE COURT: You have email of what we've
10 got?

11 MR. BRACKETT: We have the text of what
12 we provided to the Court. And we've made some
13 changes as Your Honor has removed, like, the
14 constitutional language, so I believe if once you
15 get the thing tweaked to your satisfaction, you
16 have our email, so you can just send it.

17 THE COURT: And when I deliver it, that's
18 what I'm going to deliver. All right?

19 MR. WISE: All right.

20 THE COURT: Let's take a lunch break.

21 (A break was taken at 1:16 p.m.)

22 THE BAILIFF: All rise. Court is now in
23 session. Judge Cooper presiding.

24 THE COURT: All right. Be seated. Thank
25 you. Counsel, I have emailed you, hopefully, our

1 latest revision, but everything is subsequent to
2 change.

3 MR. BRACKETT: We're just looking.

4 THE COURT: I did include Mr. Wise's
5 suggestion on morality.

6 Approach the bench.

7 (Bench conference off the record.)

8 THE COURT: All right. Counsel, the
9 Court has provided a revised set of charges. Any
10 objection to the -- I know we usually do this
11 after the charge, but any further comments about
12 the charge?

13 MR. WISE: Well, I've got my general
14 objections, you know, to the vagueness of the
15 words, the terms. We can do that afterwards. The
16 primary one I'm looking at now that may be a
17 little bit different is, "To sustain a
18 conviction" --

19 THE COURT: Wait a minute.

20 MR. WISE: Page 10.

21 THE COURT: Page 10.

22 MR. WISE: "To sustain a conviction for
23 common law misconduct in office, the State need
24 not prove an independent criminal act." I'm not
25 sure that's in keeping with the Hesse decision

1 where it says that a public official has to
2 violate a duty imposed by law.

3 THE COURT: Well --

4 MR. WISE: And I hate to counter some of
5 my other arguments, but that may be the
6 distinction between common law and statutory.

7 THE COURT: Well, I think it is. It
8 clearly is. I think you can -- I think you can
9 prove common law misconduct in office without
10 proving a criminal act.

11 MR. WISE: I have trouble seeing how you
12 do.

13 THE COURT: Well --

14 MR. WISE: Under the Hesse decision it
15 says you must violate a duty imposed by law. I'm
16 having trouble finding a duty --

17 THE COURT: A duty imposed by law is not
18 necessarily -- there is a duty not to violate the
19 law. I think common law misconduct is broad
20 enough to any number of actions that could -- a
21 jury could find misconduct, whether it's a
22 criminal act or not.

23 MR. WISE: Quickly looking at it, that's
24 the one that jumps out at me.

25 THE COURT: All right. State ready for

1 the jury?

2 MR. BRACKETT: State is ready, Your
3 Honor.

4 THE COURT: Defense ready for the jury?

5 MR. WISE: Defense is ready.

6 THE COURT: Bring the jury, please.

7 (The Jury enters the courtroom at 2:33 p.m.)

8 THE COURT: All right. Ladies and
9 Gentlemen, we're now ready for the final
10 summations or arguments with counsel with regard
11 to this case. I remind you, again, that what the
12 attorneys tell you is not evidence in this case.
13 You've heard the evidence. It's their
14 interpretation, their understanding of the
15 evidence, and what they hope you remember from the
16 evidence.

17 But, please, pay close attention to the
18 attorneys because this is the only chance they'll
19 have to talk to you to sum up their case.

20 All right. Mr. Brackett, you may begin.

21 CLOSING ARGUMENTS

22 MR. BRACKETT: Let's get something
23 straight right from the beginning, because there
24 appears to be some confusion based on comments
25 made by my co -- my counsel on the other side

1 there, Mr. Wise, in his opening statement about what
2 exactly brings us to this courtroom today. And we
3 need to clear that up. Because until we have a clear
4 understanding of what it is we're doing here, you
5 won't be able to do your jobs.

6 So, what are we doing here? I did not
7 indict Will Lewis for sexually assault. I did not
8 indict him for it. The indictment doesn't say
9 anything about it. I did not indict him for
10 cheating on his wife, or committing adultery, both
11 of which he did, but that is not why Will Lewis is
12 seated over there today.

13 Mr. Lewis is seated over here at this
14 table, defense table, under indictment and charged
15 with these indictments because Mr. Lewis is a
16 corrupt, self-serving, selfish, manipulative man
17 who assumed the office of sheriff, not because he
18 really wanted to help anybody other than himself,
19 he doesn't care about anybody else. He didn't
20 care about Savannah trying to help her, move her
21 along in her life, and do something good so that
22 four years from now she can do something.

23 Will Lewis had designs on Savannah Nabors
24 from the word go. The minute he talked to her
25 about coming to work for him at the sheriff's

1 office, in his mind, he was already in bed with
2 her. That is a fact.

3 But even that, by itself, isn't
4 necessarily a crime. Just because he was
5 attracted to her, just because he wanted to sleep
6 with her, that's not a crime.

7 The crime is Will Lewis using his office
8 to make that happen taking the resources that the
9 public gives him. The citizens of Greenville send
10 in their tax dollars, they go to the county, the
11 county takes 45- to \$47 million and gives it to
12 this man for the purpose of keeping Greenville
13 safe, not for the purpose of helping Will Lewis
14 get in Savannah Nabors's pants. That is why he's
15 been indicted, is because that's exactly what he
16 did.

17 So if there's any speculation about what
18 I'm trying to accomplish here, if Mr. Wise gets up
19 and starts talking about sexual assault, and this
20 is a moral thing, well, you can't convict a man
21 because of a moral -- well, I'll concede, it's a
22 moral failing, because it's also misconduct in
23 office because he's the sheriff and he used the
24 sheriff's office and his authority as sheriff, and
25 the money and resources given to him as sheriff to

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1 accomplish what he was trying to do. And that's
2 just a plain fact.

3 Now, I've got a little PowerPoint here,
4 and I'm going to take a few minutes and go back
5 through the evidence. I hope you'll indulge me.
6 We have been here all week. You've heard a lot of
7 stuff. There's some stuff you haven't heard, and
8 I want you to hear it. And I want to go back
9 through it, because we're able to present it, but
10 you've not really been able to hear our take on it
11 until now. This is my opportunity to sum up what
12 all this evidence means.

13 So what I'm going to do now is take a few
14 minutes and go through. And I just kind of do it
15 in chronological order. And I try to give myself
16 little bullet points, because there's a lot of
17 stuff and I might forget something. So I have
18 little notes up here (indicating), and I'll go
19 through witness by witness and try to refresh your
20 memory on exactly what it is that we've presented
21 to prove our case.

22 The first people you heard from were
23 Nora Sullivan and Jackie Cooper. Why did we put
24 them up? Well, Nora Sullivan does payroll for the
25 sheriff's office. And what did she tell you? She

1 said Savannah Nabors was hired into a brand-new
2 position. Now, he's tried to make that appear to
3 be some innocent thing. Well, yes I'm trying to
4 do things different, and I'm trying to be the
5 sheriff. And I'm sure there was some of that, but
6 he hired a 22-year-old girl with no law
7 enforcement experience and paid her \$62,000. And
8 as we called deputy after deputy, officer after
9 officer, when they took the stand, we asked
10 Nora Sullivan the same thing, we asked them what
11 they made so that you guys could have some
12 context. What is \$62,000 mean to you? You don't
13 know. I mean, I don't know what an executive at
14 Microsoft makes. I have no idea. So I need
15 somebody to tell me, what is a reasonable salary
16 for that? Where do these people fit in the grand
17 scheme of things? So I'm going to be hitting on
18 that point as I go through.

19 But Savannah, she was so good she's making
20 \$62,000, which means nothing at first until you
21 find out that that's what some captains and
22 lieutenants with 20 to 30 years of experience,
23 riding around in a car, getting beat up in fights,
24 dealing with people we wouldn't want to deal with,
25 that's what they get paid when she got hired.

1 There are people that have been there 20 years
2 making less than her, driving around in cars with
3 200,000 miles on them. But Savannah gets a
4 brand-new 2017 Ford Explorer.

5 And again, you're thinking, why do they
6 keep asking about these cars? Is that a big deal?
7 Yeah, it's a big deal in the law enforcement.
8 That's their office. It's a point of pride.
9 We've got guys riding around in old clunker cars.
10 She strolls in and gets a brand-new car and a
11 parking spot next to the sheriff. Twenty-two
12 years old, no law enforcement experience. She's
13 indispensable.

14 Jackie, by contrast, this is a woman --
15 you saw her. Twenty-seven years Jackie Cooper
16 worked for the sheriff's office. You all bring
17 your own experience into the jury box with you.
18 You don't just leave your common sense at the
19 door. You analyze this case through the lens of
20 your own personal experience. Everybody's worked
21 in an organization where there's that person who
22 kind of knows where everything is and why things
23 are done the way they are. They can tell you what
24 happened 15 years ago. Jackie Cooper has been the
25 admin for three sheriffs. This was her third one,

1 and she's making \$54,000 a year. And what did she
2 say when she took the stand, even after all the
3 raises -- which may be the only good thing that's
4 come out of this is, I think Jackie Cooper got
5 some more money because they felt like, oh, my
6 God, we got to do something. We can't pay this
7 woman 62 and leave Jackie at 54. But even now
8 with 30 years experience in, Jackie is now making
9 about what Savannah made when she walked in the
10 door at 22 with no experience. And she still
11 doesn't have a car and no private parking space
12 for Jackie. No perks.

13 Not told anything about Charlotte. She
14 was the right-hand woman for Sheriff Loftis, and
15 Sheriff Johnny Mack Brown, Sheriff Simmons. She
16 was the person who helped those folks. She didn't
17 know anything about Charlotte. That was, kind of,
18 like, kept under the radar.

19 Every time I heard one of his witnesses
20 talk about transparency, I had to bite my tongue.
21 Are you kidding me? This guy isn't about
22 transparency. We'll get to that in a minute with
23 some of tapes about transparency.

24 What else did Jackie tell us? This was
25 the first time we heard about the Tennessee beauty

1 queen. And you all thinking, what in the world is
2 that about? That some woman he was talking about
3 he wanted to hired. He didn't have a resumé for
4 her. He just had some pictures.

5 Next, we have Master Deputy Laura Jones,
6 15 years of experience in law enforcement. A
7 polygraph operator has to go to school for weeks,
8 work under a mentor at SLED, and do many, many
9 hundreds of polygraphs, being supervised to make
10 sure she knows how to do them right, bomb squad.
11 The day she testified, she's making \$10,000 less
12 than Savannah Nabors was making when she walked in
13 the door. Again, I'm just giving you all some
14 context. Giving you all some way -- okay, that
15 \$62,000 makes a little more -- now, all of a
16 sudden, you start to wonder to yourself, \$62,000.

17 Here's Lewis, coming in at the beginning
18 and telling the SWAT, bomb squad team, all mostly
19 males, Laura was one of the only women in the
20 room, what does he tell them? What does Lewis
21 tell all these guys, she's off limits. All right,
22 guys, look at her. Yeah, she's cute, no touchy.
23 You can look, but you can't touch. She's mine.

24 She says that after the story broke about
25 at the command staff meeting, he says, actually in

1 Bill Clinton-style, again, hearing him say, I'm a
2 different man since all this happened. I'm a
3 changed man. This has been very, very
4 enlightening for me. But before he had to admit
5 it, because the tapes came out, what was he
6 telling the crowd at the Greenville County
7 Sheriff's Office? "I did not have sex with that
8 woman," like it's a joke.

9 They didn't even get the benefit of
10 hearing from him himself. He didn't come in and
11 tell the officers who are rolling out to calls in
12 Greenville, responding to people calling saying,
13 my house has been broken into, I woke up, my car
14 window has been broken, my stuff is stolen, and
15 all this stuff, these deputies roll out and talk
16 to people, he didn't give them the courtesy of
17 saying, I'm about to go on TV in Greenville and
18 admit that this allegation about sexual conduct is
19 true, that I did have sex with her. I'm about to
20 do that, so you guys, just a heads up, because
21 their reputations and their honor, as they roll
22 around the streets of Greenville every day is
23 directly tied to this man.

24 Because why? Leadership. He's the guy
25 running the agency. The integrity of the agency

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1 runs through him. And if he has no integrity, if
2 he has squandered his own morality and
3 credibility, then it diminishes theirs. And the
4 moral of Greenville County Sheriff Office went in
5 the toilet.

6 Chief Deputy Marcus Davenport, again, 25,
7 27 years in law enforcement, what does he say?
8 This guy comes in and lies about, Savannah Nabors
9 was our babysitter. She's known our family
10 forever. Good friends with my wife. Why would he
11 have to say that in the first place? Why would he
12 do that? Because it's as obvious to him as it is
13 to everybody else. When he walks in the door with
14 her two feet behind and two feet to the right,
15 that that's just weird. What is she doing?
16 Everywhere he goes, at 2:00 in the morning when
17 he's rolling up the crime scenes, he knows that
18 doesn't look right. He knows that's funky. So
19 what does he have to do? He has to manufacture
20 this story about, oh, she's been friends with us
21 since she was just a little girl. This is just me
22 taking on a family friend and giving her a
23 position and a leg up in the world. I'm a
24 stand-up guy. Look at me. I'm helping this young
25 girl out. Says they had an unusual -- usually

1 familiar relationship.

2 You know, a police department is somewhat
3 like the military. It runs on discipline. You
4 have a hierarchy and a structure. You have the
5 sheriff, the chief deputy, majors, captains,
6 lieutenants, sergeants, master deputies and
7 deputies. There has to be a hierarchy. Because
8 if there's a crisis, there needs to discipline and
9 order, and people need to know who's in charge,
10 and what's going on and who to respond to when
11 there's a problem.

12 Most people, even Jackie Cooper, with her
13 27 years, calls Sheriff Johnny Mack Brown, sheriff.
14 She called Sheriff Steve Loftis, sheriff. She called
15 Sheriff Will Lewis, sheriff, and everybody else did.
16 But not Savannah. Will. They had this friendly,
17 familiar relationship that was out of place in the
18 sheriff's department, and struck them as unusual.

19 He confirms that they arranged school --
20 he arranges at the BMW school, and that Savannah
21 shows up unexpectedly. They have four tickets,
22 and now they got a fifth person. And who does
23 Savannah end up riding with, well, Will. Will
24 Lewis. Isn't this cool, Savannah? Look at all
25 this exciting stuff we get to do. Being in law

1 enforcement is great. Next week, we're going to
2 go shoot with the SWAT Team. They have a
3 50-caliber rifle. Wait until you see how big this
4 gun is. It's great. They got machine guns, they
5 got all kinds of cool stuff.

6 The receipts from the hotel, he confirms
7 that those were the actual receipts that were
8 submitted to the County, which you can inspect
9 when you're back there, see for yourself. Each
10 room is listed, individually receipts. The Red
11 Eye Diner -- the good thing about all these
12 receipts is that they tell you the date, the
13 amount spent and the time. So when people
14 couldn't remember how much time was spent on these
15 meetings, because we're going to talk about that
16 in a minute, whether the meetings were even
17 necessary, whether they needed to go to Charlotte,
18 but they've got all that information on there.

19 And, in fact, interestingly enough, the
20 last one, this is the receipt from their first
21 night. When they got there, they went down to
22 cocktail bar. Where they had a little food and
23 some drinks, and all this went on the room,
24 \$139.10. One specialty cocktail, one spec -- on
25 special cocktail, chicken nachos, chips and dip,

1 Bacardi, Bacardi, Bacardi, Michelob Ultra,
2 Bourbon, specialty cocktail, grand total of
3 \$139.10. When you round in the tip, good thing
4 he's so concerned about saving a buck that he's
5 got to bring his own bottle. That was paid for by
6 people of Greenville. We picked up the bar tab
7 for Will that night.

8 Chief Davenport also says Savannah was
9 late to the meeting. Confirms that. Let's talk
10 about that a little bit more. And he said that
11 Lewis said she wasn't feeling well, which is at
12 odds with what the defendant himself said.
13 Because he said, I didn't talk to her. I don't
14 know where she was. She just didn't show up. I
15 called her when we went to get coffee, but I don't
16 know where she was. Said that she looked
17 disheveled when she did show up, and they met her
18 on the street.

19 Said that Lewis left them to go to a
20 store after they went to dinner on the second
21 night. That was when he went to a CVS.

22 That he confirms that Lewis is, in fact,
23 talking about getting Savannah Nabors a raise, as
24 several people have said, which has to make you
25 go, well, if she's been hired at \$62,000 going out

1 of gate, and she's been there for two or three
2 months, and he's talking about getting her a raise
3 already? Drew Pinciario says later, yeah, he was
4 talking about \$72,000. A \$10,000 raise. And
5 Drew, remember he said, I'd do it for \$72,000.
6 But Drew hadn't seen the job description to his
7 credit, so he might not have.

8 And he also confirms that in the hiring
9 of the replacement for Savannah that the defendant
10 also shows up with pictures of the girl he would
11 like to hire, the Tennessee beauty queen, again.

12 Linda Cobb, budget director for 34 years,
13 attended every budget meeting for the sheriff's
14 office in 34 years. Nobody knows more about the
15 budget than Linda Cobb. She's been there since --
16 what, 34 years ago would have been when Reagan was
17 in office, and she's been to every single one.
18 Why she wasn't at the Charlotte budget meeting, if
19 that's what this is really about, really has to
20 make you question what was the real reason that
21 they went to Charlotte? Why did they really go
22 there? Was it for a budget meeting?

23 She confirms that the credit cards used
24 to pay for the liquor tab, the rooms, and the food
25 were Greenville County sheriff credit cards, and

1 that the credit card bills themselves are paid for
2 by the Greenville County sheriff's budget, which
3 is all of the money. Never had a budget meeting
4 out of the county before, never mind the State.
5 They left the State of South Carolina. But they
6 never even left Greenville before to have a budget
7 meeting for the sheriff's office.

8 Drew Pinciario said he's a PIO, Public
9 Information Officer. Handles the media.
10 Savannah Nabors never did anything for the media.
11 Contrary to what the defendant said, she tells
12 them where to set up and that she's out there in
13 front and working the media, and she's all
14 involved with that. Savannah herself said she
15 wandered around behind Will. Supposed to take
16 notes.

17 Let me tell you, that's what the police
18 officers investigating the crime are supposed to
19 do. They're the ones that do the investigative
20 reports. The reports are the notes. They
21 document what happened in their investigative
22 reports. Savannah Nabors is not supposed to be
23 doing that.

24 Lewis told her, and this is a trend
25 that's going to repeat itself, best not to talk to

1 her. What did he take that to mean? I'm not
2 talking to her. If the sheriff says probably not
3 a good idea to do something, that means don't do
4 it, and he knows that. They all work at the
5 pleasure of the sheriff. An enormous amount of
6 power wrapped up in one guy with his \$45 million
7 worth people's money in his budget. Tremendous
8 amount of power.

9 Over drinks after Savannah left, this guy
10 says to his attorney, his staff attorney, what has
11 she got on me, like he's already thinking he knows
12 that something is wrong, that he's done something
13 wrong, and he's just trying to figure out how good
14 of a case does she have.

15 And then this, which I think pulls the
16 mask back of the guy who sat here, let me tell you
17 all the good stuff I did. I'm a changer. I get
18 in there and fix things. I'm a mover and a
19 shaker. What does he say the defendant said about
20 Savannah Nabors after she left or as she was in the
21 process of leaving, "Yesterday I could have fucked
22 her in the parking lot in my Tahoe. But today, I
23 don't know where that bitch's head is at."

24 That's Will Lewis, Ladies and Gentlemen,
25 right there. That's who he is. You've probably

1 all met somebody just like him in your life.
2 Somebody arrogant. John Hansley said,
3 condescending. He's the smartest, strongest,
4 fastest, brightest, funniest guy in the room, no
5 matter what room he's in.

6 And Drew, with his 12 years of
7 experience, special weapons and tactics team,
8 public information officer, training, he's been
9 shot at, making \$44,500. (Indicating) 62. 44.

10 He says, also Addie Hampton never went to
11 crime scenes. Never did. And she had media
12 experience. So there was more that she brought to
13 the table that Savannah didn't when she started.

14 John Hansley, the non-law enforcement guy
15 who went to Greenville, works for the county, said
16 the county did not approve the positions. This
17 guy sits there and desperately tries to make it
18 sound like all of this was somebody else's idea.
19 Charlotte, well, it was Joe Kernell, and they
20 approved this, and somebody else bought the car.
21 That -- I got people to handle that. I really
22 don't know how the car appeared. It just showed
23 up one day. I said, she needs a car. And
24 somebody else decided to give her a new car. It
25 wasn't me.

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1 Then in order to create the position,
2 they reallocated existing funds, like took a
3 vacancy, like there may have been some deputy, or
4 sergeant, or lieutenant, some police officer, some
5 guy who actually spends his time keeping us safe,
6 they took his empty spot and converted that money
7 into a new position. Stripped that title off of
8 it, lieutenant or deputy, maybe it took two deputy
9 spots, seeing how little they get paid, took two
10 of them and jammed them together to come up with
11 all the money that they had to pay Savannah to
12 follow him around taking notes.

13 They could have met in Greenville just as
14 well for all that they did. And why wouldn't
15 they? If you really just want to get away and
16 turn -- you just turn the phones off. You go
17 someplace that doesn't have a phone in the room
18 and you turn your cell phone off. Just like I
19 turn mine off before I stood up to talk to you
20 all, because I don't want to be bothered. I got
21 things to do and this is important, and I don't
22 want this thing going off and making my Fitbit
23 buzz on my wrist. So if I don't want to be
24 disturbed, I turn it off. They could done the
25 same thing instead of going to Charlotte and

1 spending all that money.

2 What does he say about the defendant?

3 Everything that you confirm with your own eyes and
4 ears as you watched him testify here today and
5 yesterday, that he's arrogant and macho and smart
6 and he's boastful and took center stage, and he's
7 got to be, you know, the big man in the room.

8 He saw the fireman's carry. Admits --
9 acknowledges that Savannah Nabors came down later
10 in the morning, that she was wearing sunglasses on
11 the street and she kept them on for a while after
12 they went inside to talk -- to start talking in
13 the Hyatt Place.

14 Then that night, the second night they're
15 in Charlotte, they're at the Tin Roof Bar, the
16 karaoke bar she was talking about, and, all of a
17 sudden, Will says, hey, it's Savannah's birthday.
18 I'm buying a round of shots. And John's like,
19 okay. And now I know why we're in Charlotte.
20 It's Savannah's birthday. Will wants to treat her.

21 Lewis planned the trip to Charlotte, made
22 the arrangements, and all the money that was
23 budgeted to the Greenville County Sheriff's
24 Office, including the money that paid for these
25 bills, all came from public funds, tax dollars.

1 Major Ty Miller, this was devastating
2 testimony. The defendant fed her the same story
3 about, Savannah's an old friend. She's known our
4 family since she was a little girl. We just, kind
5 of, brought her along. She used to babysit for
6 us. My wife is good friends with her. She knows
7 all about this. Everything's cool that this very,
8 very attractive young girl is following me around
9 all day. Don't worry. Don't read anything into
10 it. She's an old family friend. I've known her
11 since she was this big (indicating).

12 Said the defendant did tell the other men
13 in the sheriff's office, stay away from Savannah.
14 She's mine. Don't touch.

15 The defendant told Savannah -- told Ty
16 that Savannah got drunk in Charlotte. On the ride
17 back, he denies he had this conversation. But Ty
18 says, on the ride back, I talked to him. He said,
19 oh, God, Savannah's not feeling too well. She's
20 hung over. She got sloshed last night in
21 Charlotte. She got hammered. Like, oh, wait a
22 minute, look, just keep coming that on the
23 download. Don't tell anybody she went to
24 Charlotte. People aren't supposed to know that.
25 Transparency is so important you see.

1 She says that Savannah called her and
2 reached out to her on April the 22nd. We've got
3 the text in here. There's a text from Savannah.
4 You can see it. And we tried to substantiate when
5 there were texts to show you what Savannah was
6 saying isn't just Savannah saying it. There's --
7 to the extent it exists, we tried to put
8 documentary evidence in front of you. "Hey, Ty.
9 This is Savannah texting you from my personal
10 phone. Can you give me a call when you have a
11 minute? No rush." "Would you want to go for a
12 walk on Swamp Rabbit? It's beautiful outside."
13 "Yes, I already have my gym clothes on. Sweet."
14 "You want to go out to eat, we can go instead of
15 lunch. We can go after we eat. Let's meet at
16 Panera Bread." "Great, on my way."

17 What is that conversation about? They go
18 to Panera. They talk a little bit. Before they
19 met, though, Ty called and told him, Savannah wants
20 to talk to me. I'm just giving you a heads up. I
21 don't know what this is about, but she wants to
22 talk to me. And he's like, that's cool. That's a
23 good idea. She can talk to you. That's right in
24 the middle of all the turmoil. She's about to
25 quit and all this stuff is going on, and Savannah's

1 in turmoil and doesn't know what to do, she's
2 confused. She wants to go talk to Ty Miller, the
3 highest ranking officer at Greenville County
4 Sheriff's Office. This young girl reached out to
5 the one woman in authority for sex crimes to try
6 to get some help. She started to tell her story.

7 And Ty says when she realizes -- when she
8 hears the tape, the Reno tape, I can buy two
9 tickets, only one room. She says, oh, my God. I
10 told the Sheriff we were meeting. Given the
11 timing, that would be significant to Savannah, and
12 she sits back and shuts down. What? He knows
13 we're here? Savannah is coming there to tell her
14 story to Ty to get help. But when she finds out
15 that the sheriff knows, she shuts it down. The
16 only opportunity she had to really seek help.

17 Ty says there was no reason for Savannah
18 to ever go to Reno. It's the sheriff's school.
19 It's like where elected officials go. Like,
20 elected sheriffs. Not sheriff's personal
21 assistants. Like, the Chuck Wrights, the
22 Chad McBrides, the Kevin Tollsons. Those guys go
23 there. It's like how to run a sheriff's
24 department. Latest cutting edge stuff that's
25 going on. Management techniques. The things that

1 elected sheriffs would need to know. Not Savannah.
2 She had no reason to go there.

3 She admits and says that the damage to
4 the agency's reputation, how hard it was for
5 officers to do their job, how it impacted morale,
6 how important integrity is. Integrity is
7 everything to law enforcement, she said, and it's
8 true. Because every single day there's more than
9 this courtroom in Greenville County. There's
10 magistrate courtrooms, there's municipal
11 courtrooms, there's six or seven other courtrooms
12 on this floor, and the one below it. Every single
13 day a police officer will walk into a courtroom
14 like this, hold this Bible in their hand and swear
15 to tell the truth, the whole truth, and nothing
16 but the truth, and they'll sit in that chair and
17 talk to juries just like you. And they will
18 explain why somebody seated over there, like that
19 guy, is guilty for what they did. And people's
20 liberty and reputation is on the line.

21 And in order for us to know that justice
22 is being done, we have to have faith in the men
23 and women who do this job every single day. And
24 when you have guys like this who come in and trash
25 the reputation of law enforcement through their

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1 horrible, selfish misconduct, it destroys their
2 own morale, and their own credibility, and their
3 ability to do the job we all need them to do. We
4 have to have faith in them.

5 She was also on the committee that
6 replaced Savannah. She also heard about the
7 Tennessee beauty queen. It's a fact.

8 Now, we have Savannah. You saw her for
9 yourself. She sits over there now. She's young
10 and she's innocent. She's pretty. She was
11 handpicked by this guy. He came and talked to her
12 before he even ran. He said, when I run for
13 sheriff, I want you by my side. Two steps behind,
14 two to the right. You're going to be my personal
15 assistant. He brought Terri Coker in to say that
16 he had offered the job to me and told me he would
17 pay me more than I was making at the Bannister
18 firm.

19 What he didn't tell you, what I learned
20 from talking to Savannah who also worked at the
21 Bannister firm and knew that Terri's income didn't
22 just come from that. She made a sizeable chunk of
23 change working doing title searches as a paralegal
24 for another firm on the side. She told you
25 herself, about a third of her income came from

1 that. And then when she asked would she still be
2 able to do work after hours, that kind of work,
3 the defendant said, no, I need you to be there
4 24/7. You need to be accessible to me. I can't
5 have you out there doing that.

6 If he ever made a sincere offer, he knew
7 she wouldn't take it because she made too much
8 money doing this title search. And how did he
9 know? How did he know how much money she made and
10 how important that was to her? How did he know
11 how important that was to Terri Coker. He knew
12 because the company that she does the work for is
13 owned by his own mother. That didn't come out on
14 direct. I had to bring that out on cross. So he
15 knew Terri Coker wasn't going to take that job
16 because he offered her more money than she was
17 making at Bannister, but not more money than she
18 was making. And she couldn't afford to do that.

19 Plus, she said herself, she was loyal to the
20 firm. Bill Banister is a good man. She likes working
21 for him. He takes good care of her. And that's
22 important. Some things are more important than money.
23 It's important that you be respected in what you do.
24 It's important that people treat you right, that they
25 treat you with respect. And no matter how much money

1 you're getting or how nice the car you're driving or
2 how good of a parking spot you get, or you go shoot a
3 machine gun with the SWAT Team, there are some things
4 that are more important than money, your dignity and
5 your self-respect is one of them.

6 First six weeks were very exciting. She
7 was right there in the middle of the action and
8 he's constantly telling her how important she is.
9 Gosh, I couldn't do what I'm doing without you,
10 Savanah. Whoa, what would I do without Savanah?
11 You are absolutely crucial to the mission of this
12 organization. So smart. Savanah, you're just
13 wonderful. And what person doesn't want to
14 believe that when somebody like Will Lewis, the
15 sheriff of Greenville, this powerful man who is in
16 charge of the largest police unit in the state of
17 South Carolina is telling you how wonderful you
18 are. That's going to be to make you feel good.
19 That's part of manipulation.

20 She tells him about the mid -- about mid.
21 February she says, I'm separated from my husband.
22 We've been having some problems for months now.
23 Since last fall, we've been in counseling. Things
24 are difficult at home and we've decided to go our
25 own way. We each agreed to go see other people,

1 but that's fine, because they're seeing the end of
2 their relationship is in sight, and it's going to
3 end in divorce. She tells him that, and she might
4 as well have thrown a bucket of blood in the
5 water. The sharks started circling the minute she
6 said she's on the market. He was circling before,
7 but now he's like, oh, she's a free agent.

8 The death letter, I put that in evidence,
9 but I haven't really talked about it. I just want
10 you all to look at this. It's kind of unusual.
11 The reason I put State's Exhibit 3 in, Official
12 Death Letter, is because, when you look, it's
13 signed by Will Lewis. It is notarized by
14 Jackie Cooper, sworn to her on this 17th day of
15 February of 2017. Right around the middle of
16 February he signs this death letter, which is
17 supposed to help establish his succession in the
18 event of his death who he's designating to run the
19 sheriff's office until the governor can appoint an
20 interim sheriff. And who does he say -- he names
21 the person that he wants to run it, and then in
22 there he says, number 3, I further request that
23 Savannah Nabors maintain her position as the
24 administrative coordinator to the sheriff. He
25 felt it necessary to, like, tell her, hey, I'm

1 going to look out for you. Even if I get killed,
2 baby, I'm going to look out for you from the
3 grave.

4 Starts talking about her personal life,
5 asking questions about her marriage, making
6 inappropriate comments to her. They go to
7 Clemson. Sheriff McBride is there. On the way
8 back, he says, yeah, I told -- I told Chad McBride
9 that he needed to get himself a Savannah.
10 Apparently Sheriff McBride is a little more savvy
11 than Will Lewis, because he said, if I got a
12 Savannah, I'd be in trouble. Nobody could do this.
13 What are you, crazy? I mean, who's going to
14 follow hire a 22-year-old girl to follow you
15 around and be the sheriff. It looks like hell.

16 Also on the trip back from Clemson, we
17 learn for the first time, he tells Savannah, hey,
18 look, I haven't told my wife about you going to
19 Charlotte. The Charlotte trip has already been,
20 kind of, like, discussed. It's in the off thing,
21 the date hasn't been set, but they're going.
22 Savannah is a key part. She's going to be going to
23 Charlotte with me. But I don't want my wife to
24 know about it. It would just cause trouble. What
25 did he say when he testified? I never talked

1 in her room. All he's doing is creating an excuse
2 for him to have to go back there later in the
3 evening after they've had a few drinks, when
4 they've gone out on the town. After he's taken
5 her to the lobby bar and he's pushing drinks on
6 her, telling her, why are you baby-sitting that
7 drink? He wants her to be good and loose by the
8 time they get home, back to the hotel, and he's
9 going to pull that bottle out of her room, fill it
10 up with bourbon and say, hey, come on over here
11 and have a seat next me on the couch. I want to
12 talk to you. At the Irish pub, he orders a round
13 of shots. According to John Hansley, he's
14 arrogant. He's changed now.

15 Fireman's carry, almost drops her, she
16 says. They go back to the hotel, and just like
17 she feared, he uses the liquor bottle as the
18 excuse that it was intended for. I need to go up
19 and get that thing from your room. Hey, you want
20 a nightcap? One o'clock in the morning when he
21 starts in talking about how his life is so hard.
22 It's so stressful being the sheriff. Things just
23 aren't good at home. My wife, you know, it's just
24 bad. No sex. She's always on me. I'm working
25 all the time. Poor me. Need another topper on

1 that drink?

2 He says he never talked about that,
3 though. Never said anything about how hard his
4 life was and how terrible his marriage was, but
5 listen to Will Lewis.

6 (Crickets recording played in its entirety.)

7 MR. BRACKETT: "My personality," "her
8 personality," especially his personality.

9 Now, we have two competing versions of
10 what took place in Charlotte. Savannah testified
11 from the witness stand, and I want you to go back
12 in your mind to Tuesday afternoon. Go back in
13 your mind and remember Savannah Nabors sitting on
14 this witness stand over here. I want you to
15 assess her credibility. I want you to think about
16 what she said and how she said it. I want you to
17 ask yourself if that looked like a woman who was
18 in pain. Did that sound like somebody who was
19 agonizing about having to sit in a room full of
20 strangers and talk about something horrible that
21 happened to her? If she's faking, then she needs
22 to be in Hollywood. That was real. It was
23 gut-wrenching. It was hard to watch. It was
24 brutal and it was genuine. Picture her now.

25 Fast forward to yesterday afternoon and

1 this morning, when he took the stand, and ask
2 yourself, who's credible? Who do you believe?
3 Who's testimony had the ring of truth?

4 Now, I won't detail what she said. I
5 don't need to. You remember what she said.

6 How about the defendant's testimony? We
7 need to go through what he said, because his
8 testimony didn't have the ring of truth.

9 First of all, he just flat out admitted
10 that he had -- he was pursuing an adulterous
11 relationship with public money by offering Reno to
12 Savannah.

13 Well, let me go back. I think he did say
14 that yesterday afternoon, unwittingly. But then
15 go to this morning when Deputy Solicitor Thompson
16 asked him again, and he just keeps saying, that's
17 what it sounds like. That's what it sounds like.
18 And then we took a little bit of a break. And I
19 huddled up with Will again, and I said, you know,
20 he never really actually said that's what he was
21 doing. He just kept equivocating and trying to
22 put some kind of spin on it, and said, that's what
23 it sounds like. I said, okay, nail him down.
24 Tell him, you don't want to know what it sounds
25 like. Ask him flat out, is that what you were

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1 doing, and what did he say? Yes, that's what it
2 sounds like. I mean, the guy just doesn't stop.
3 He can't help himself.

4 He admits he's the sheriff. He's a
5 public official in public office, and has power
6 over his employees. All of these thing are things
7 you need to find in order to convict him for
8 misconduct in office. These are things we have to
9 prove. And now you don't have to worry about
10 whether they're true or not because he's admitted
11 that they're true.

12 He's admitted that he was pursuing an
13 adulterous relationship in Reno with public money
14 when he offered to take Savanah there. That's
15 what he was trying to do. So that much is
16 established. And that's he's the sheriff of
17 Greenville County. He's a public official in a
18 public office. He admitted sexual harassment..
19 That he violated his own policy. He said -- he
20 couldn't quite say he would have, but we gave him
21 two examples, and he said, I probably would have
22 fired myself. If had I been supervising somebody
23 who did what I did, who lied and sexually harassed
24 somebody, or did something grossly inappropriate
25 sexually, I would have, yeah. And we showed him

1 two examples where he actually did do that. He
2 fired people for doing what he did. Somebody
3 lied; he fired them. Somebody sent pictures of
4 themselves ejaculating to a female deputy, and he
5 said, I fired him. It was a hard decision,
6 though.

7 I got to wonder, maybe that says more
8 about him than anything, that he struggle over
9 whether to fire somebody who would send pictures
10 of themselves ejaculating to a female deputy.

11 Rauch Wise at the beginning speaking for
12 the defendant said -- Mr. Wise said, this man
13 stood up in front of the public and he took
14 responsibility for it. It was a moral failing,
15 but, by God, he did the honorable thing, and he
16 stood up there and he said I did this, and I did
17 wrong, and it was a moral failing, and that took
18 courage. He did the right thing. Like, okay,
19 yes, he may have crossed the line, but, by golly,
20 he did the honorable thing in the end, and he took
21 responsibility.

22 But what did we come to find out? When
23 did he take responsibility? In March, when he did
24 it. In April, when she's leaving the office in
25 tears? No. May, June, July, August when the blog

1 is published and everybody is going, what? She
2 did what? No. Because right then it's just a
3 blog. It's just words on a web page. Just an
4 accusation. Nothing to back it up. Did he take
5 responsibility then? Did he show us his honor?
6 What a decent, fine man he is and how he's
7 changed. Did he do that? No. He still didn't do
8 that.

9 Sometime in September or October, he told
10 his command staff, a small group of people, that
11 he did, in fact, have a dalliance with this young
12 girl, but it was all consensual and fine. Nothing
13 really -- no big problems. It's just a lapse in
14 moral judgment, but I'm not going to tell my wife.

15 When did he finally stand up at that
16 podium? After she files a lawsuit and attaches
17 those recordings to it, and he's got no other
18 choice. He was cornered up. There's no honor in
19 that. That's not stepping up and doing the right
20 thing. That's being pushed into a corner and
21 being forced to do it. And then to stand up here
22 and take credit for it like he's some kind of good
23 guy. It's laughable.

24 He admits that Charlotte wasn't
25 necessary. They could have done all that in

1 Greenville. And then after spending a lot of time
2 trying to establish that, oh, this meeting went on
3 for a long time. Savannah said it pretty much
4 ended after lunch. We had to remind him of his
5 previous sworn testimony in this matter, where he
6 said, oh, yeah, we went and pretty much met a
7 little bit, but we were done by 2:00 or 3:00 on
8 second day, and we all went and took a nap. And
9 what does the lunch receipt show? They're done by
10 2:10, 2:15. So by the time they walked back to
11 the hotel, there wasn't a whole lot of time to
12 meet. Savannah's timeline was right.

13 Savannah wasn't needed in Charlotte. What
14 did she really do? She carried the papers down
15 and gave them out to everybody. She just compiled
16 what all these division commanders gave her.
17 Stapled it all together and handed it out. She
18 has no in depth budgetary knowledge. Didn't even
19 take notes. The one thing he harped on that was
20 so important to him and why he needed this
21 personal assistant, somebody to follow me around
22 and take notes, keep track of everything I do and
23 say. What all these important people I talk to
24 say to me. No notes from this important budgetary
25 trip, though.

1 When Savannah doesn't show up for the
2 first meeting, did anybody find it was strange
3 that he didn't say anything about that? They're
4 in Charlotte for this out-of-town unusual budget
5 meeting. They've never done it before, and the
6 person who's got all the materials doesn't show up
7 for the nine o'clock meeting. So what does he do?
8 Bupkus. He doesn't call. He doesn't go up to her
9 room and knock on the door. Savannah, are you all
10 right? Nothing. He doesn't say he does anything.

11 At about 11:00, that's when the coffee
12 text went through. It's over here, too. Like I
13 said, we try to give you the texts to substantiate
14 when things happened and show you this really did
15 happen. You'll see there's a text in there about
16 something to do with some kind of macchiato thing.
17 It says about 11:07, that's when the coffee one
18 was made. So we know from 9:00 to 11:07, Savannah
19 Nabors isn't downstairs, and all these important
20 materials are up there in her room not being used.
21 And he's not looking for her or the notes or
22 unconcerned with where she is or what her
23 condition might be.

24 Now, why might that be? Why might he not
25 be concerned about her, and why she's not down for

1 this meeting? Because he knows what her condition
2 it. He was in the room with her the night before,
3 doing what he did. He knows how he left her. He
4 doesn't need to go check on anything. He doesn't
5 need anybody to tell her how she's doing. He
6 doesn't need to ask her because he knows damn,
7 good and well how she is.

8 Alcohol to Savannah's room, going to the
9 room to get it, the nightcap, that was just a
10 series of bad decisions that fell in line.

11 And then this one I'm going to get out.
12 The 3:55 text. Now, that I'm old and the light is
13 dim, I should have brought my cheaters. But here
14 it is right here. It just says, "Me." And this
15 is State's Exhibit 6. It's from Will Lewis to
16 Savannah Nabors -- now it says Addie Hampton, but
17 you heard Addie got Savannah's phone. After she
18 left, he changed the name on the phone. That's
19 why it says Addie Hampton. But that was Savannah's
20 phone at the time, because Addie didn't even start
21 until June and this is in March. It says, "Me,"
22 at 3:55 a.m. He says he didn't go to her room at
23 all the second night. Why is he sending a text
24 that says "Me"?

25 And for the first time in the history of

1 this case, what does he say on the stand? Oh, she
2 had an iPad. Maybe she sent herself that text
3 from her iPad. We never heard that before, ever.
4 The first time he suggests that. And he doesn't
5 explain, why would she send herself a text at 3:55
6 in the morning that says "Me"? Because she's
7 plotting some devious cunning plan to undo him?
8 Well, I would have said more than "me" if I had
9 that kind of power. If I had his phone and I
10 wanted to set this guy up, I could have done a
11 better job than saying "me" at 3:55.

12 Why was this text really sent? You know
13 why it was sent, because at 3:55 on the 14th floor
14 of Hyatt Place hotel on March the 9th, 3:55 a.m.,
15 there was a guy standing outside Savannah Nabors's
16 room going (knock, knock, knock). Savannah, open
17 up. (Knock, knock, knock.) Savannah, open up.
18 Can't make too much noise because it's a hotel.
19 (knock, knock, knock.) Savannah, we need to talk.
20 It's me. We need to talk. That's why that text
21 is there.

22 He says he didn't tell his wife about
23 Charlotte. Difficult decision. I talked about
24 that.

25 The real interesting thing, though, is

1 that in all this, as much as we've talked about
2 whether it was consensual or not, I told you at
3 the beginning it really doesn't matter, because it
4 doesn't. It really doesn't matter.

5 Suppose -- let's just make something up
6 for a minute. A hypothetical for you consider.

7 Suppose that Will Lewis had taken office,
8 and a couple of weeks in he goes down to the file
9 room in the basement, and down there in the file
10 is some very attractive young 22-year-old girl
11 whose job it is to file folders. And he goes to
12 her and he says, what are you doing down here,
13 sweetie? It's all dark and lonely down here.
14 What you doing? Don't you want to come up in the
15 sunlight? I got a better job for you, if you'd
16 like. And she went, really? That would be great.
17 I'm making \$25,000 a year down here putting files
18 away. What are you talking about? Well, you
19 could be following me around, be the sheriff's
20 personal assistant, take notes, two steps back and
21 two steps to the right. She said, that sounds
22 great. And I'll pay you a bunch more money. Give
23 you a car, all kinds of perks. That's wonderful.
24 And then he just walked up to her and said, and
25 here's the catch, in addition to those job duties,

1 I need you to take care of certain needs that I
2 have. And she said, check, no problem. I'm good
3 with that. Happy to do it. Let me know when.
4 That's still a crime. That's still misconduct in
5 office. He'd still be guilty. So it doesn't
6 matter.

7 She didn't consent, but it doesn't
8 matter. You can't do that. You can't use public
9 money to try to have sex with employees. You just
10 can't do that. I find myself mystified that I
11 feel the need to even stand here and explain that.
12 Surely this is common sense. You just can't do
13 that. Everybody seems to understand it, but Will.

14 What is misconduct in office? There's
15 two charges and they look similar, but they're
16 different. They sound similar, but they're
17 different.

18 Misconduct in office is, any public
19 official -- the Judge is going to charge you on
20 the law, and I'm going to try and explain it to
21 you in common every day language. But the Judge's
22 explanation of what the law is, is the law.
23 That's the law you have to follow. I'm just going
24 to try to break it down and help you make sense of
25 it, but the Judge will charge you at the end of

1 the case.

2 Misconduct in office is any public official.
3 It doesn't have to be an elected official. It could
4 be the guy who's in charge of the maintenance shop
5 over at the South Carolina Department of
6 Transportation who's in charge of the tractors, and
7 the bulldozers, and all the heavy equipment over
8 there, keeping it maintained and all that, and at
9 night, he goes back, uses his key, he goes in and gets
10 a backhoe, and goes over and does some side job and
11 makes, you know, two grand helping some guy clear his
12 lot, and then takes it back and puts it in the thing.
13 That's misconduct in office. He's using public
14 property for personal gain. And there he's actually
15 making money, but it isn't necessary that the thing
16 you get, the benefit you derive from your misconduct,
17 be financial. It could be other things, too.

18 You could be, you know, given access to a
19 beach house, which is, kind of, like money, but
20 it's really more like, you know, somebody tells
21 you, hey, you do something for me, help me out
22 with this case I have, Solicitor. You know, I've
23 got this fellow, a friend of mine charged, but if
24 you can work something out and give him a good,
25 sweet deal, I got a place down on Folly. Just let

1 me know what week you want to use it.

2 If I did that, misconduct. Can't do it.
3 That's me using my office to get some benefit for
4 me.

5 It could be that. It could be something
6 like, I don't know, sex. That would be
7 misconduct. That's a benefit for Will.

8 So any public official, it doesn't have
9 to be elected, willfully, they must intentionally
10 do this, because these people typically are doing
11 something intentional, and the law requires, for
12 misconduct in office, that it be intentionally.
13 That it be a willful act. A deliberate
14 intentional act. They willfully and dishonestly
15 fail to do their duty for a corrupt purpose,
16 breaching duties imposed on that office, like
17 duties of good faith and accountability.

18 And the Judge is going to charge you --
19 here we go. For example, the Judge is going to
20 charge you, that every law enforcement officer,
21 every police officer has an inherent duty to obey
22 the law and enforce it. That's just naturally
23 part of the job that they've assumed. You have to
24 obey the law yourself and enforce it in violations
25 of the law when you see them. That duty requires

1 service to the public, that's all of us, of the
2 highest fidelity, a refusal to be influenced by
3 corrupting motives, as well as honesty, integrity
4 and good faith. These are all duties that are
5 just baked into the job of being a cop.

6 The second charge, which I said sounds
7 similar but is different, is misconduct of a
8 public officer.

9 All right. This law says that if an
10 elected official, that means, an elected official
11 is a person who is elected by the public for a
12 certain term in office for a certain jurisdiction.
13 Like, say, the sheriff of Greenville, the sheriff
14 of Greenville County for a term of four years,
15 which you've heard is what his term is, performs
16 acts of official misconduct, habitual negligence,
17 corruption, fraud, or oppression, they have
18 violated the law. They have an obligation not to
19 do those things.

20 So if they're an elected official and
21 they're engaging in misconduct or habitual
22 negligence, which I'll tell you now, this case
23 isn't about habitual negligence. Not at all.
24 These are intentional acts. Corrupt, fraud,
25 oppression, those are the things we're talking

1 about.

2 Fraud in that he has this money that's
3 given to him for one purpose and then he's using
4 it for another, not wanting to tell anybody about
5 it despite his love of transparency.

6 Oppression, that means using the
7 authority of your office in an oppressive manner
8 just to cause other people to do things that you
9 want them to do by using the authority of your
10 office. Say, for example, if you told a bunch of
11 police officers, nobody better touch Savannah
12 Nabors. She's off limits. Nobody asks her out.
13 Nobody dates her.

14 And, say, you're a police officer, like
15 Chad Ayers, and you like her, and you want to go
16 and date her, you want to have a relationship with
17 her, you have to do it in secret. You have to
18 hide your car in her garage. You can't tell
19 anybody about it. You can't go out in public
20 because if somebody sees you, you could lose your
21 job because you're intimidated, you're afraid,
22 because the guy who runs the agency that you work
23 at has made it clear that nobody is to go out with
24 her, nobody is to touch her. That would be
25 oppressive. He has a right to associate and go

1 out with whom he wants, and so does she. And you
2 can't use your power to make people do things they
3 don't want to do just to satisfy your own personal
4 interests.

5 As I said, he's not on trial for assault.
6 He owed a duty to the people of Greenville, and
7 you can assume that it's consensual for the sake
8 of argument because it doesn't matter. That's a
9 side issue. It's a red herring trying to distract
10 your attention.

11 I, again, refer you to a comparison of
12 the testimony of Savannah Nabors and Will Lewis,
13 and invite you to consider for yourself whose
14 testimony is believable and whose isn't.

15 You still can't use public money to carry
16 on an adulterous relationship. You can't use your
17 office to prevent people from seeing her. And you
18 can't threaten to change people's jobs when they
19 don't want to sleep with you, which is what he did
20 to her. It's on tape. You don't want to go to
21 Reno, okay, there's going to have to be some
22 changes.

23 How do we know what Will Lewis intended
24 to do? Well, you've got the Palmetto Ale House
25 campaign event. She's testifying to this.

1 There's no tape, but she says that he pushed
2 alcohol on her again, like he did in Charlotte.
3 He drove her back to the Law Enforcement Center,
4 tried to kiss her. He's like, you want to go back
5 to your place? She says, no. Why don't you go
6 home to your wife, and he gets mad. Starts
7 hitting the steering wheel and cussing her. He's
8 the sheriff. He's her boss. He's been so nice to
9 her up to now. This is emotional abuse. He's
10 being manipulative. He's rude to her, cussing her
11 in front of other people, belittling her, making
12 her feel bad, pushing her into a place where she's
13 afraid to say anything he doesn't want to hear,
14 because she doesn't want to have to deal with the
15 fallout, so it compromises her own ability to
16 react to what he's doing to her.

17 What else did he do? Shows up at her
18 house. She says, and you can look at the text,
19 no, I'm good. My mom's here. I got five
20 different kinds of medicine. I'm going to take
21 them. You don't need to come. It's clear, she
22 doesn't want him. No matter how awesome
23 Will Lewis thinks he is, and he clearly thinks he
24 is. No matter how sexy and brave and
25 braggadocios, or whatever he was saying, he's a

1 man's man, whatever. She ain't buying it. She
2 doesn't want any part of Will Lewis. She is not
3 attracted to him.

4 But despite her efforts to stave him off,
5 what does he do? He buys groceries. That's his
6 excuse for coming by her house. All the way over
7 in Spartanburg. Remember, she lives in -- like
8 he's in Greenville. He drives all the way over to
9 Spartanburg to deliver groceries and juice and
10 whatever. While he's there, she's got the flu and
11 he's arguing with her and starting a fight about
12 the business at the Ale House and how they've been
13 treating each other and how he's been treating
14 her, and whatever. She cries. She says he
15 softens up a little bit, and then just picks her
16 up and carries her to bed, tucks her in, and
17 kisses her on the forehead.

18 By the this time, she's afraid to reject
19 him. She's terrified of this guy. She's starting
20 to wonder, what in the world am I in?

21 What else did he do? He calls her when
22 she's hiking with a friend in Anderson, an old
23 high school friend. It's too soon for you start
24 dating. She didn't even say she was dating. She
25 was just with a guy that she knew in high school,

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1 but he's, like, already brushing, oh, no, no, no.

2 You can't be seeing other guys.

3 She meets her husband on Easter, April 16
4 of 2017. She doesn't say she's with her husband.
5 She just says she's with her family. He laughs
6 like, oh, okay. Yeah, whatever, like he knows
7 better. And she starts to go, that's weird. How
8 would he know to do that unless he's, like,
9 watching me or something? How does he know I'm
10 not really with my mom and dad, that I'm with my
11 husband? And he starts saying, hey, you know,
12 what have you got to hide? Why can't you tell me
13 your personal cell phone? Let me look and see
14 what's going on in your life. We need to trust
15 each other. He's like gaslighting her.

16 But you don't just have to rely -- see,
17 most cases that I prosecute like this, I have to
18 use that kind of evidence to try to help show you,
19 you look at what they did, and then try to deduce
20 what they intended from that. But, in this case,
21 this thing is beautiful because you don't just
22 have to look at what he did, Savannah punched
23 record on her phone and you get to hear for
24 yourselves what he did. You get to hear the naked
25 brazen, corruption, and selfishness, and

1 manipulation, every nasty, stinking, wretched
2 thing that this pathetic man did, you don't have
3 to guess because it's all here.

4 (Reno recording played.)

5 MR. BRACKETT: No use going to Reno
6 without you, baby. I don't care what they're
7 talking about. I'm not going to their class. Are
8 you kidding me? I just want to go with you.
9 Brandon, yeah, he's a nice guy and all, but he's a
10 doof. He kind of smells funny. You know, it's
11 one thing to go out there and drink a few beers
12 with somebody, but I really want you, honey.

13 In case there's any misreads:

14 (Reno recording played.)

15 LEWIS: "The possibility, the probability of
16 us staying in the same room, it's probably pretty
17 high. You do understand that, though, right?"

18 The probability of us staying in the
19 room, remember, he told her Greenville can fly us
20 both out there. They can only afford one hotel
21 room. What, does he think she's an idiot?
22 Greenville can only afford one hotel room. They
23 can afford two airlines ticket, but the wealthiest
24 county in South Carolina doesn't -- can't swing
25 another hotel room in Reno. Not that she needs to

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1 be there in the first place, because he has no
2 business there. It's stupid.

3 And you want to know about his
4 transparency? Here's Will Lewis on transparency,
5 folks.

6 (Recording Played.)

7 LEWIS: "If Nora needs to take time off your
8 schedule when you're out..."

9 MR. BRACKETT: Nora, needs to take time
10 off of your schedule.

11 (Recording played.)

12 LEWIS: "There's no -- there's no paper
13 trail for any of this. And I mean, even if -- if
14 you went with me, it's more -- it's like Ty and I
15 going down to sheriff's school together. It was
16 more of a -- it's more of a hassle for the two of
17 us to be staying in the same motel room -- or at
18 the same hotel."

19 NABORS: "Uh-huh."

20 LEWIS: "Period. Guy, girl from the same
21 agency that know each other --"

22 NABORS: "Uh-huh."

23 LEWIS: "-- than anything else. So we
24 just don't tell people shit. Like, Ty will tell
25 you -- I'm sure that she will tell you, the less

Closing: Mr. Brackett
1 people know, the better off they are. But people
2 don't need to know."

3 NABORS: "Uh-huh."

4 LEWIS: "That's why I don't tell people
5 anything. So, I mean, I'm -- but I'm totally --
6 But again, I'm not trying to -- this conversation
7 is not meant to change your mind. This doesn't
8 change anything. I'm just telling you that --
9 okay, how about this? When Shannon went with
10 us --"

11 NABORS: "Uh-huh."

12 LEWIS: "-- to Charlotte --"

13 NABORS: "Uh-huh."

14 LEWIS: "-- nobody knows, except for Joe,
15 and John, and us that Shannon went. Nobody else
16 know."

17 NABORS: "I got you."

18 MR. BRACKETT: I could keep going with
19 that. You remember the testimony. You remember
20 the tape the first time I heard it -- you heard
21 it.

22 And, folks, if you -- all these
23 recordings, all of them are on a USB stick, and
24 we'll bring you back out here and play any of them
25 you want hear, all of them as much as you can

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1 stand to hear it. You can hear anything. I'm
2 just excerpting some of them because it gets a
3 little tedious.

4 It's funny, now that you've actually
5 heard him testify and then listened to the tapes.
6 It's a little bit different take on it.

7 This one here makes crystal clear what he
8 was trying to do. He's admitted it.

9 (Playing recording.)

10 LEWIS: "Savanah, I want you to go
11 because, you know, I just want us to be able to
12 roll around a bit. Just me and you. Nobody else.
13 I want time away. I want you to myself. And I
14 want us to just be able to sit around and drink on
15 the beach on company time."

16 MR. BRACKETT: I just want to roll around
17 with you and drink on company time. Ladies and
18 Gentlemen, you will never, ever hear such brazen
19 corruption, such absolutely naked self-service
20 again in your life. This is a once-in-a-lifetime
21 golden opportunity. The mask is pulled off and
22 Will Lewis is exposed for exactly what he is.

23 And they said there wasn't any talk about
24 Charlotte, what happened in Charlotte, and that it
25 was all consensual.

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(Recording played.)

1014

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LEWIS: "If you're not cool with that --
because you know how I am. So, if you're not cool
with that and you're not comfortable with it -- "

NABORS: "What do you mean by, 'You know
how I am'?"

LEWIS: "You know, because of Charlotte,
you know how I am. I mean, I'll go out. I'll
turn a few up. I'll get silly."

MR. BRACKETT: I'll turn a few up and get
silly. She was hitting on him according to his
story. But he turned a few up and got silly.

(Recording played.)

LEWIS: "You got on me."

MR. BRACKETT: Yes, indeed. I think
we've all seen all of him. And then this is
corruption, too, and this is misconduct in office,
because despite overcoming all of her objections
and she's gently trying to tell him, but she
doesn't want to make him mad, remember?
Otherwise, it's an exciting job to work at the
sheriff's office. Law enforcement is exciting.
There's a reason crime shows are the most popular
shows on TV. People are fascinated by it.

But you can't, at the end of day, deny

1 that Savannah Nabors did not want to go. She had
2 no interest. No matter what, she did not want to
3 go to Reno with this man over here. She is not
4 interested in him. He is not appealing to her.
5 She has no desire to be with him, no desire to
6 sleep with him.

7 And what happens when that that's finally
8 made clear to Will Lewis?

9 (Taping recording.)

10 LEWIS: "And then we're probably going to
11 be in a position where you -- we're going to be
12 just -- yes, there will be some -- there will be
13 some addendums, amendments to what my original
14 expectations were."

15 MR. BRACKETT: He started talking about
16 there's going to be some charges. But what does
17 that means, really?

18 (Recording played.)

19 LEWIS: "I mean, there will be some
20 changes. I mean, we'll have to make some
21 changes."

22 NABORS: "What kind of changes do you
23 have to make? I mean, things have been great
24 these past few weeks."

25 LEWIS: "Yeah. They have been. But, I

Closing: Mr. Brackett
1 mean, it's just future things. Savannah, I'm not
2 going to take you places with me."

3 MR. BRACKETT: I'm not going to take you
4 places with me. All this stuff that you enjoyed
5 about the job, we're going to be going on exciting
6 trips with other people, but you don't get to go.
7 Have sex with me, you can come. No sex, get back
8 in the file room, sweetie.

9 (Recording played.)

10 LEWIS: "Can I explain to you at least
11 why it's making sense to you?"

12 MR. BRACKETT: This is -- I won't play
13 the whole thing, but this is the part where he's
14 talking about how Ty and these other women just
15 strip down, like, this is all normal. He's trying
16 to make her think she's crazy for not doing what
17 he wants to do. Like, everybody knows this. This
18 is just law enforcement. You want to be in law
19 enforcement, honey? This is what people do.
20 Girls strip down all the time. All those normal
21 barriers about men and women, that's all nonsense
22 in law enforcement. We're all one big happy
23 family. We ride off to Reno and roll around and
24 drink beers and have sex, that's, kind of, part of
25 what we do.

1 What did Ty Miller say? No, that's not
2 true. None of that's true. He's just gaslighting
3 this girl, making her think she's crazy for not
4 doing what he wants to do. Like, she's the one
5 that's different and the rest of the world thinks
6 she's nuts.

7 This is further -- I just -- this was
8 played for you, but I'm not sure you heard it. I
9 want to make sure you did for sure.

10 (Recording played.)

11 LEWIS: "Like I told you earlier, I spent
12 more time thinking about repairing this
13 relationship, this friendship, more than anything.
14 And I just -- I just can't do it anymore because
15 everything I do is wrong in one way or another.
16 And I'm just not -- I'm not going to -- you know,
17 I mean, I can't. I just can't do it. So, I mean,
18 as much as -- as much as it -- as much as I would
19 do it, it would absolutely destroy me. I mean, it
20 really would. I told you, and I mean it. I mean
21 what I say. I would trade any one of my command
22 staff members -- all of my command staff members,
23 for you."

24 MR. BRACKETT: I would trade all of my
25 command staff members, all those veteran law

1 enforcement officers who gather weekly to sit
2 around the table to decide how to keep people safe
3 with their years of experience, none of them are
4 more important than 22-year-old Savannah Nabors,
5 the note taker. That's the kind of manipulation
6 and abuse that she was subjected to.

7 (Recording played.)

8 LEWIS: "What is it that's gone too far?"

9 NABORS: "This relationship."

10 LEWIS: "Oh, yeah?"

11 NABORS: "Yeah. I mean, it's like every
12 time I turn around, you're jealous of something,
13 or you're -- you're like -- it's like I'm not even
14 going to be able to have a personal life."

15 LEWIS: "What am I jealous of?"

16 NABORS: "You sat there in your freaking
17 office and you were like how I would be jealous of --"

18 LEWIS: "I would be jealous. Yeah, I would
19 be. But that's -- that's just -- see, that's not
20 cool."

21 NABORS: "No."

22 LEWIS: "Because I don't -- I don't -- I
23 don't think you quite understood that. Because, I
24 mean, that's kind of stalker-ish. That's kind of
25 weird."

1 NABORS: "Yeah."

2 LEWIS: "Yeah, that's, kind of, strange
3 if you put it that way."

4 NABORS: "I don't know what other way you
5 could put it. I mean, you have this whole secret,
6 like, book of the ways that you can put things.
7 Like, I don't know if there's any other way to put
8 the fact that you would be jealous if I got a
9 boyfriend and started dating." Like, you know --"

10 LEWIS: "How about -- how about this?
11 Let me explain it to you like this. I would be
12 jealous of my daughter's boyfriend for taking time
13 away from daddy. I'd be jealous of that. Does
14 that put it in perspective for you?"

15 NABORS: "No. I have no idea where that's
16 going."

17 MR. BRACKETT: That's what she's dealing
18 with. That's her boss. That's the sheriff of
19 Greenville County. He tells her that she works at
20 his pleasure.

21 (Recording played.)

22 LEWIS: "You work at the pleasure of
23 sheriff."

24 MR. BRACKETT: You work at the pleasure
25 of the sheriff. That means, I hire, I fire. You

1 come and go. If I don't like you, you leave. I'm
2 the sheriff. I get to say what happens. I'm the
3 ultimate -- like the captain of the ship.

4 Folks, in the end, Will Lewis didn't feel
5 guilty about Charlotte, not one bit. The only
6 thing he feels bad about is the fact that he got
7 caught, that Savannah Nabors, the little
8 22-year-old girl, who's supposed to be the note
9 taker, ended up taking extremely detailed and
10 accurate notes in the form of 11 recordings that
11 laid bare his corruption, his self-dealing, his
12 selfishness, his manipulativeness.

13 Who could do this to a young girl like
14 that? What kind of man? What kind of man would
15 take advantage of the public in the way that he
16 did? Would take the money that was given to him
17 to keep people safe and turn it for his own
18 personal use trying to further this relationship?

19 He didn't come clean at the press
20 conference to do the right thing. He did it
21 because he had to.

22 Chad Ayers, who was a confidant during
23 the worst of this, knew she was being manipulated
24 and said, everything she was going through, the
25 stress and the misery, was all real. And then he

1 admitted it himself when he took the stand and
2 said he was furthering an adulterous relationship.

3 And at the very end -- at the very end as
4 she's standing in her office -- this is the last
5 little bit of tape I want to play for you. This
6 is her standing in her office talking to him.
7 It's very low. They're whispering because they
8 don't -- he doesn't want other people to hear.
9 It's like an open area with open doors. She's the
10 grownup in the room when she finally figures it
11 out, what he's up to, and she just lays it on.
12 This is not healthy.

13 (Recording played.)

14 NABORS: "This is unhealthy. It's
15 inappropriate, and everyone in this office knows
16 it."

17 LEWIS: "They don't."

18 NABORS: "Yes, they do. I told you nobody
19 knows."

20 LEWIS: "How the fuck does everybody know?
21 Who said what?"

22 NABORS: "They just know that it's
23 inappropriate. We're too close. Everybody knows
24 we're too close."

25 LEWIS: "But that's what I want in this

1 position with everybody else. I don't give a fuck
2 what everybody knows. This is what I do --
3 (inaudible whispering.)

4 (Recording played.)

5 MR. BRACKETT: And that is as true a
6 statement as you'll ever hear. You heard him. I
7 don't give a fuck what anybody else wants. You're
8 exactly what I want. You don't. And everybody
9 knows it now.

10 Well, he had his fun, and today, the bill
11 has come to the table for Will and it's time to
12 pay.

13 Questions have to be answered. Does Will
14 Lewis remain the sheriff of Greenville County? Is
15 this the man you want deciding who gets arrested
16 in front of the cage, who's reputation is ruined,
17 leading 450 other police officers in deciding how
18 to keep Greenville safe? Is this the man who
19 needs to be in charge of a \$45 million budget and
20 all these men and women? After everything you've
21 seen, after everything you heard, can there be any
22 doubt, any doubt at all, that Will Lewis is guilty
23 of both counts of misconduct in office?

24 And what he's done is a disgrace to the
25 badge that he was entrusted with by the people of

1 Greenville.

2 This isn't some gift. It's not a prize.
3 It's not a toy. It's not a trophy. This is
4 something sacred. Most police officers truly
5 value and respect the badge that they wear. They
6 work hard to preserve its shine. And nobody hates
7 a dirty cop more than a good one, because dirty
8 cops, like Will Lewis, disgrace this badge, and
9 they tarnish every other officers' badge. They
10 erode the public's confidence and trust in law
11 enforcement, and public safety institutions, and
12 there has to be a reckoning. He has to be held
13 accountable.

14 Today is the day. There's no doubt. The
15 evidence is overwhelming, Will Lewis is guilty.

16 Go back to your jury room, look at the
17 evidence, deliberate as much or as little as you
18 need to, and come back out here and tell
19 Will Lewis the people of Greenville will not put
20 up with that. That they expect better from a
21 public official. Hold him accountable.

22 It's a beautiful thing that twelve
23 citizens sit in this box, sit in judgment of the
24 most powerful law enforcement officer in
25 Greenville County. Twelve folks drawn at random

1 from the streets, taken from your jobs and your
2 every day lives, it's a beautiful thing. You get
3 to hold him accountable. Put some shine back on
4 this badge.

5 THE COURT: Mr. Wise.

6 MR. WISE: Ms. Foreman, and Ladies and
7 Gentlemen of the jury, when you go to your jury
8 room and you talk among yourselves and start
9 discussing this case, and you say to yourself, or
10 among yourselves, Will Lewis is probably guilty.
11 He probably set that job up for Savannah Nabors,
12 created a job that wasn't needed, and got her a
13 car that wasn't needed. He probably did all that.
14 He's probably guilty. What should your verdict
15 be?

16 Your verdict should be not guilty,
17 because in a criminal court, we're not talking
18 about what probably happened, what might have
19 happened, what could have happened, or what
20 possibly happened. It is the highest standard
21 known to man short of an absolute certainty. It
22 is the basis for the old black stone adage of, "It
23 is better that a hundred guilty go free than an
24 innocent man be convicted." That is a standard by
25 which you weigh the evidence in this case.

1 The judge will charge you, that this
2 is -- he will charge you on circumstantial
3 evidence, and this is a circumstantial evidence
4 case. And it's a circumstantial evidence case
5 because there is no direct testimony that
6 Will Lewis hired Savannah Nabors for the sole
7 purpose of trying to have sex with her and create
8 a job that wasn't necessary and didn't exist.
9 There's no direct evidence or fact. So it's all
10 circumstantial.

11 And when you listen to the Judge's charge
12 on circumstantial evidence, he will tell you that
13 you must look for and, kind of, seek out an
14 innocent explanation. That all the circumstances
15 must be consistent with each other, and point
16 conclusively -- not suggestively, conclusively to
17 the guilt of the accused. And mere suspicion
18 isn't enough. That's what he's going to charge
19 you. Mere suspicion isn't enough to convict.
20 Point conclusively to the guilt of the accused.

21 He will also tell you about reasonable
22 doubt. And he will tell you in his charge that if
23 there is a reasonable possibility that the
24 defendant is not guilty, you are to find him not
25 guilty. So if there's a reasonable possibility of

1 an innocent explanation for any action in this
2 case, that should be decided in Mr. Lewis's favor.

3 So what we're going to look at is -- I
4 messed up.

5 So what we're going to look at in this
6 case is whether or not there is a real possibility
7 of an innocent explanation for the facts. And if
8 there's a real possibility of an innocent
9 explanation for the facts, you must accept that
10 possibility and vote accordingly, not guilty.

11 Now, let me, first of all, talk about
12 some of the comments that Solicitor Brackett
13 talked about.

14 You know, he talks about Jackie Cooper.
15 Jackie Cooper did not do the same job
16 Savannah Nabors did. She had set hours. She was
17 not on call. She did not need a car. She may
18 have -- she was not the right-hand man for Will
19 Lewis.

20 Now, then he talks about the comment
21 about off limits. All right? It seems a real
22 possibility to me that any decent sheriff who had
23 a female right-hand person would have the
24 attitude, if not expressed directly, at least
25 sublet to members of the force, you don't have

1 relationships with my right-hand person because
2 she knows too much confidential information. That
3 is a prudent thing to do. It's not a sinister,
4 evil thought. Is there a real possibility that's
5 a decent attitude for any sheriff to take? Of
6 course it is. Of course it is.

7 Then he talks about she calls him Will.
8 Shocker. She's known him for two to three years
9 as Will. And all of sudden she takes a position
10 with him and she's supposed to change everything?
11 Is there a real possibility she calls him Will
12 because she knew him as Will for three years?
13 Yes, there is. Of course there is.

14 The \$130 bar tab on the hotel room. It's
15 a mistake. It should have been caught. There was
16 testimony about people look at these bills and see
17 if everything is proper. Someone should have
18 called Will Lewis and said, you owe us \$130, and
19 collect it from the other people that went.
20 Because they are on it, too. Is there real
21 possibility that was a mistake made there by
22 someone checking the bills? That's what happened,
23 period.

24 Then he says -- talks about the ride back
25 there's a call to Ty Miller saying, poor Savannah is

1 drunk. First of all, Savannah Nabors never testified
2 about that call. All right? It would seem to me that
3 if you ride in the car with somebody, somebody tells
4 somebody else who you work with that you were drunk,
5 you would have remembered. It just seems logical to
6 me. So is that a real possibility that it didn't
7 happen?

8 Well, let's raise it a little bit. We've
9 got text messages. We've got phone logs. We
10 don't have a single verification of that one call.
11 It's available, I assume, at least somebody should
12 try to get it from the State. They have the
13 burden of proving this case. We don't. So, they
14 don't prove a phone call, Savannah doesn't talk
15 about Will saying he got her drunk. Is there a
16 real possibility that that call didn't happen?

17 No reason to go to Reno. It's the
18 National Sheriff's Association. He is a sheriff.
19 Is there a reason to go to the National Sheriff's
20 Association? If he wanted to go to the National
21 Sheriff's Association, there isn't a person in
22 Greenville County that would question the validity
23 of that expenditure to go to the National
24 Sheriff's Association if you're the sheriff.
25 There is virtually no trip out of town that is

1 absolutely necessary. The question isn't, is it
2 absolutely necessary? Is it something that an
3 elected official should be entitled to do?

4 When Greenville County Council goes to
5 the State or National County Council meetings, it
6 is absolutely necessary, but it is something you
7 get to do because it does benefit your job. Not
8 every seminar is equally beneficial. Not every
9 conference is equally beneficial. But there is an
10 advantage to going to these things. All right?

11 Let me get to one other thing in a
12 minute.

13 Now, let's talk about this case the way
14 it should be looked at. Will Lewis clearly
15 offered Terri Coker the job first. That's a fact
16 beyond dispute. She turned it down because,
17 basically, she said at her age, I'm not going to
18 work those hours. I don't want to work those
19 hours. He then offered it to Savannah because he
20 had seen how she works. He had seen what she's
21 done for the lawyers she was working for.
22 Everybody that knew her at the law firm said,
23 yeah, she was very good at it, very good at
24 organizing things, keeping people on track, which
25 is something somebody needed in that position.

1 The State's theory, the State's theory is
2 this: The State's theory is not that Will Lewis
3 ended up in Charlotte and ended up having an
4 affair with Savannah Nabors that night. That is
5 not their theory. Because if that's their theory,
6 they have admitted that theory is not sufficient
7 to convict, because they had basically said having
8 an affair isn't sufficient to convict him. He
9 will charge you that. A moral lapse isn't
10 sufficient to convict.

11 If a public official goes through a
12 conviction in Myrtle Beach and happens to have an
13 affair there while on the company dime, that's not
14 misconduct in office. He had an affair at the
15 convention, granted staying in a room that the
16 county paid for, but that's not an affair.

17 So the State's theory is not that there
18 was a consensual encounter in Charlotte and that's
19 when it started. Their theory is more sinister
20 than that.

21 Their theory is that Will Lewis
22 intentionally -- and the judge will charge you
23 about intention -- intentionally from the
24 beginning got -- hired Savannah, created a position
25 for her that wasn't needed for the sole purpose of

1 having sex with her. That is the State's theory.
2 And that is what you have to go look at to see if
3 they've proven that beyond any and all reasonable
4 doubt.

5 So, when he offers the job first to
6 Terri Coker, is there a real possibility that
7 theory is not correct? Is there a real
8 possibility that theory is not correct?

9 When he goes to Joe Kernell, because Will
10 Lewis doesn't know what these jobs paid, he's just
11 been elected sheriff, and he says to Joe Kernell,
12 here's the position I want to create. What does
13 is pay? And Joe Kernell tells him. Is that a
14 real possibility that's an accurate account of
15 what happened?

16 We had one person testify that he knew
17 what Savannah did. He thought she was making
18 55,000, something like that. That seemed
19 reasonable to him for what she did. It's a few
20 thousand more. So there's nothing here that
21 belies the honest effort on his part to put
22 Savannah Nabors in this position and be his truly
23 bona fide helpful assistant. And that's what the
24 facts are.

25 So, let's move up to Charlotte. Again,

1 their theory is, you know, from the beginning this
2 is his plan.

3 Well, first of all, if you're going to
4 have an administrative assistant who is going to
5 help you with, not only just taking notes, but
6 help you with budget, and she started helping with
7 the budget in this, you're going to want her at a
8 budget meeting, or want that person at a budget
9 meeting, even if it's a male, simply because you
10 got to start doing it. You got to start
11 understanding what's going on. And granted, they
12 talk about the budget woman who didn't get to go.
13 You watched her testimony. She had been doing a
14 two percent budget since long -- who knows how
15 long. Will Lewis was not into any two percent
16 increase -- or 2.1, whatever it is, increased
17 budget. He wanted to make a drastic changes and
18 he wanted somebody to be supportive of his drastic
19 changes. And that's who he brought along, so I'd
20 be supported of it.

21 So, whether or not going to Charlotte is
22 a good idea or bad idea is almost irrelevant. It
23 was all legal. It was done with the consent of
24 people who had been involved in county government
25 for decades longer than Will Lewis had been, at

1 least in the management level. They all agreed to
2 go. They all thought it was a good idea. And not
3 a single one of them came up here and testified it
4 was a waste of time. Not a single one. There is
5 a big disagreement with everybody as to how long
6 the meeting lasted in the afternoon. I think Will
7 said in his deposition, 3:00. Maybe his testimony
8 here he said, 4:00. I think John Hansley and
9 Marcus may have testified that it was 4:30. But
10 clearly they went back and had some meetings in
11 the afternoon, and clearly the meetings --
12 discussions continued well beyond when the meeting
13 officially broke up. All right?

14 So, you go on a trip to Charlotte.
15 You're carrying four other county employees that
16 are going to be there. You know four other county
17 employees are going to be there. Is there a real
18 possibility the purpose of this trip wasn't for
19 Will Lewis to have sex with Savannah Nabors? It
20 seems highly logical. It would -- if you want to
21 do a trip where you have sex with someone on the
22 county dime, so to speak, you wouldn't bring four
23 other people along because if something went
24 wrong, or some -- it's just too risky. Just too
25 risky. Right?

1 So, is there a real possibility that they
2 when there for the legitimate purpose of getting
3 to know each other and conducting county business,
4 which they did? And, of course, yes.

5 Now, the State has said, compare the
6 credibility of Will Lewis and Savannah Nabors. I
7 beg you to compare the credibility of Will Lewis
8 and Savannah Nabors. I beg you to, because here's
9 what you find when you start looking at it. Is
10 there a real possibility this was something that
11 just happened unfortunately between two adults?
12 Look at the facts.

13 Savannah Nabors clearly didn't have enough
14 to drink to black out. Unquestionably, I mean,
15 it's just a real possibility she didn't. Okay?
16 Her testimony is she blacked out. It's not
17 believable. It's simply not believable on what
18 they had to drink.

19 And how do we know it's not believable?
20 For a couple of reasons. One is, the testimony
21 that she said, when I woke up he was on top of me,
22 and I grabbed my phone and saw that it was 5:20.
23 Not, what are you doing? It's 5:20. Whereupon he
24 says -- and this is just almost like casual
25 conversation, according to what she says. He

1 says, do you want me to finish? And she says,
2 yes.

3 Is there a real possibility she didn't
4 pass out, if that's her testimony? Yes, there is.
5 Yes, there is. It just makes no sense.

6 You saw her on this stand get oh so
7 dramatic, like this was the worst thing that
8 happened to her in her entire life.

9 So let's go back to recording number 1.
10 This woman who sat on this stand, got the hanker-
11 -- napkin out or tissue out, dabbed her eyes, as
12 to how dramatic this event was that night, how
13 upset she was about what happened that night, how
14 horrible it was to find her boss on top of her
15 when she came out of this drunken stupor.

16 So, let's see what happens when her boss
17 suggests something. You want to go to Reno? You
18 want to do that? No, sir, not after what you did
19 to me in Charlotte, should have been the
20 appropriate answer. Instead we have, if I got the
21 chance, yeah, I want to go anywhere I can. Tears
22 when she talks about Charlotte. Wanting to go
23 anywhere she can when she's talking about Reno.
24 All right?

25 And then they talk about rooms. And she

1 says, I mean, if they're not going to pay for two
2 rooms, there ain't no reason for me to go. Do you
3 think they'll -- then she says, do you think
4 they'll pay for two? And he says, I doubt it.
5 And on and on. You can go listen to that again
6 and talk about the Reno trip. And in the Reno
7 trip discussion she never says, I'm not going.
8 She says, at one point, I don't want to have one
9 room on paper, because she knows if both of them
10 go and they only have one room, you know, on
11 paper, well, they got problems. But if they got
12 two rooms on paper, we can explain everything.
13 You know, she had her room, he had his room, and
14 everybody is happy. Right?

15 Which is more credible? Will Lewis's
16 testimony that she came onto to him, and yes, they
17 consensual sex, and the next day everybody talked
18 fine? If you -- if she was as upset that night as
19 she was on this stand, I cannot, for the life of
20 me, imagine any woman going out and having --
21 according to her testimony, I can remember four to
22 six, or five to six drinks, the next night with
23 the exact same man. I can't imagine it. It makes
24 no sense.

25 Is there a real possibility she didn't

1 pass out and the sex was consensual based upon the
2 totality of the evidence? Yes. Yes.

3 The tapes are four hours long. You're
4 welcomed to listen to all of them, as they said.
5 Never once, never once in any of those tapes will
6 you hear, what you did to me in Charlotte, never
7 once.

8 And let's talk about credibility. This
9 woman who gets on the stand and uses the tissue,
10 writes a blog about it and makes it public in
11 August. The woman who sat on the stand and wiped
12 the tissue, never told Ty Miller he forced himself
13 on me.

14 Now, let's talk about who's manipulating
15 who.

16 I assume everybody in here is employed.
17 I think it's a logical, rationale, assumption to
18 say, when you start recording your boss, you're
19 through with that job. Just maybe wrong, maybe
20 wrong, but I think at least, at least, there's a
21 real possibility that's true. When you start
22 recording your boss, you're out. You're leaving.
23 You're not coming back.

24 So is that a real possibility? Yes.

25 So, she denied she's going to use these

1 recordings to blackmail him to keep her job. So
2 what is the purpose of the recordings? Why were
3 the recordings done?

4 Ty Miller suggested lawsuit. Is that a
5 real possibility? Is that a real possibility that
6 after she had consensual sex with Will Lewis in
7 Charlotte, all she needed was two tapes to, kind
8 of, back that up, and she's got her sexual
9 harassment suit, and had no intention of ever
10 going to Reno or ever going back to work. Is that
11 a real possibility? The facts certainly bear it
12 out as to what happened after that. It certainly
13 does.

14 Ty Miller never -- excuse me. Ty Miller
15 said that she specifically said she was not afraid
16 of Will. Not afraid of him. Listen to those
17 tapes, the ones you listened to, is there anything
18 in there that remotely suggests she is afraid of
19 him? Find one. Find one -- one where you can
20 suggest that she is just so deathly afraid of him
21 she can't work there. She continuously said, and
22 sometimes when you start making recordings you
23 sometimes forget you're being recorded --
24 unfortunately, a lot of law enforcement tapes show
25 that when they arrest people.

1 But anyway, she continuously says, the
2 last two weeks have been great. She says that on
3 the 18th. The last two weeks have been great, but
4 she never goes back. Is there a real possibility
5 that she knew she wasn't coming back? I mean, if
6 you are interested in coming back to the job, you
7 know, why not? The last two weeks have been
8 great. She didn't go back to work after the 18th,
9 so nothing happened at work to change her attitude
10 of the last two weeks have been great. She just
11 quit, posted a blog and filed suit.

12 And then most tellingly after suit was
13 filed, she says -- about seven months later, she
14 says, oh, I'm go to the Mecklenburg Police
15 Department -- Sheriff's Department and report it.

16 Is there a real possibility what she reported
17 didn't happen because of that long delay?

18 We're not dealing with a five-, six-,
19 seven-year-old child who may have trouble
20 reporting these things. We're dealing with an
21 adult, a married adult, who, if it truly had
22 happened like that, would have reported it.

23 When she put her blog out, she didn't go
24 report it then. Not -- she discussed it with a
25 newspaper reporter. They suggested go report it.

1 Didn't report it then.

2 After the suit was filed, apparently she
3 needs to have it reported to help the suit. So it
4 gets reported. So...

5 They talk about the salary that
6 Savannah Nabors got, \$62,000. I think Will Lewis
7 testified he created several new civilian
8 positions when he took over. One of them was
9 Martine Helou, I think is the way you pronounce
10 her last name. She started out as, kind of, a
11 community organizer with the sheriff's department
12 to build a rapport with people, \$62,000. Had to
13 create it some way. The same way he created
14 Savannah's, so...

15 Now, the "me" text, remember this (knock,
16 knock, knock, knock, knock) text me. I have a feeling
17 that if he had said, "just me," through the door, she
18 would have recognized the voice. There's a real
19 possibility of that.

20 Secondly, that was never her testimony?
21 She didn't say he (knock, knock) knocked on my
22 door, and then text me, "me." She couldn't
23 explain it either.

24 What did she say? What did she say about
25 it second night? He called me about 3:00 a.m.

1 The State went to the trouble in June of this
2 year, by the way, not August of 2017 when this
3 thing broke, in June of this year, to go through
4 Will Lewis's phone to find that 3:00 a.m. phone
5 call. And they said, unfortunately, it only keeps
6 about 200 numbers, and we didn't get it. So I
7 asked their expert, are there other ways of
8 getting it? Yes. You can go to the provider and
9 get those records. Did the State do that? Is
10 there a real possibility, because they didn't do
11 that, that phone doesn't exist. There's an old
12 saying in the law, and I wish I could use the
13 Latin, but I've never been good enough in Latin to
14 use it, "That which is not proven, and that which
15 does not exist are the same."

16 When the means of proving something are
17 available to the State and they don't use it, it
18 doesn't exist. Or, at the very least, there's a
19 real possibility it doesn't exist. There's a real
20 possibility that 3:00 a.m. phone call doesn't
21 exist.

22 Then, they cross-examine Will about
23 sexual harassment by an officer. And he said,
24 well, they made it out to be a first and corrected
25 it. It was a hard thing to do. It was a hard

1 thing to do, because he was a friend. And I hope
2 it's a hard thing to fire a friend, no matter how
3 much they deserve it. And it was true sexual
4 harassment. It was despicable what that officer
5 did, an unwanted picture of himself in the act,
6 sent to a fellow worker. He should have been
7 fired. And if he'd been my friend, I would have
8 been very disappointed. And, yes, sir, it been
9 hard thing to fire him, but he had to be fired.
10 It is not the same thing as a consensual encounter
11 in a hotel room in Charlotte. They don't even
12 remotely equate to each other. He lied and he was
13 fired. Yes.

14 He lied about a matter involved in the
15 performance of his official duty. He should have
16 been fired. When you lie about a matter in the
17 performance of your official duty, it interferes
18 with the way you do your official duties. He
19 should have been fired. When you lie about what
20 happened in a hotel room in Charlotte, North
21 Carolina late at night, that does not involve
22 official duty. Should have done it, not done it,
23 that's a totally different issue. It's not
24 official duty.

25 Yes, the sheriff has the obligation to

1 obey the law. The sheriff doesn't have the
2 obligation to enforce the employment laws. And,
3 yes, he said, if someone had done similar to what
4 he did, he'd probably fire them. You know, he may
5 have been a little too harsh on himself, because,
6 first of all, what he did in Charlotte was
7 consensual. I don't think there's any question
8 about that. The trip to Reno never occurred. It
9 was talked about, but never occurred. Not a dime
10 worth of the money for the county was spent on the
11 trip to Reno, unless you want to talk about --
12 well, cell phones today, that didn't even cost him
13 anything to do it -- discuss it on the cell phone.
14 So that's not there.

15 Then he says whether or not it was
16 consensual or not is a side issue. And then he
17 asked you to compare the two, like I've asked you
18 to do. It's not a side issue. It's an important
19 issue. It's an important issue, because her
20 testimony simply does not support what she said on
21 that stand with the tissue.

22 I think if my memory is correct, and go
23 by your memory, not mine, when I asked her, were
24 you as upset that night as you were on this stand,
25 because it seems logical she should have been, she

1 said, no, because I didn't know what happened. I
2 don't know what she's learned since then to know
3 what happened to now make it so emotional, because
4 there was no video of it. There's no one standing
5 there telling her what's happening. It's all
6 something that, I assume, after that she created
7 in her mind justifying what she did. I don't
8 know, you know. I just know it couldn't have been
9 more dramatic on the stand than it could have been
10 that night. It just couldn't have been. It makes
11 no sense.

12 So, what do we have here? As I said,
13 most in common, we have a sheriff who's a cad. I
14 am not going to defend his actions. I'm not going
15 to defend his moral failings. I'm only defending
16 the fact that, basically -- not basically. What
17 he did was he had a one-night encounter with a
18 subordinate in a hotel room in Charlotte that was
19 paid for with county money. That is not a crime.

20 If a county official, as I mentioned
21 earlier, or any public official, goes to a meeting
22 and happens to pick up some woman in a bar and
23 takes her back to the county paid hotel room, that
24 is a moral failing. That is not a failing in his
25 official duty.

Closing: Mr. Wise

1045

1 Listen to what the Judge tells you. And
2 before we get to that, I want to make one other
3 comment.

4 There has not been a scintilla of
5 evidence in this case that Will Lewis ever
6 neglected his official duties as sheriff. He did
7 a lot of good things. You heard Martine talk
8 about the stuff she was doing. You know, the
9 tragedy of this case -- the true tragedy of this
10 case is, he had the ability to be a good sheriff.
11 He didn't have the ability to control his personal
12 life, a failing of too many people sitting in high
13 positions.

14 He ran a good sheriff's department. He
15 had ideas. He had goals. He had things he wanted
16 to accomplish.

17 They do an audit on his office right
18 after this, as well they should. Nothing missing.
19 Not a dime. They didn't even pick up the \$130
20 they should have in Charlotte. They wouldn't have
21 questioned whether the audit was done then, but at
22 least we know the audit was done and it wasn't
23 nothing. So, we have moral failings on that.

24 They played some clips. Some clips were
25 taken out of context a little bit. Listen to the

1 context. They do, at times, give a different
2 flavor, but they never, ever show fear by her. I
3 mean, at one point -- the mystery of this case in
4 many respects is, the woman who was sitting on
5 this stand and was so traumatized about what she
6 said happened that night in Charlotte, actually
7 sounds remorseful about leaving Will Lewis's
8 employment on April the 24th. You know, whether
9 that was done for effect, I don't know. It just
10 -- at times, it's just inconsistent. And it's so
11 inconsistent it leads you to the conclusion it's a
12 real possibility that there's something weird
13 here, just the only way to put it. It makes no
14 sense. To have had that reaction on the stand
15 here, and have the reaction dealing with
16 Will Lewis on those tapes is a -- is a -- it's a
17 position that you just can't justify? Just can't
18 do it.

19 So, getting down to what we've talked
20 about, the State's theory is one single theory.

21 I have to discuss something else I just
22 realized. One single theory. He hired her for
23 the purpose of exploiting county money to pursue a
24 sexual relationship with her. Yes, she was young,
25 and, yes, she was attractive. But, yes, he had

1 known her for a number of years and seen her work
2 skills. And if you have a young employee who you
3 want to make sure stays there, one way to do it is
4 to do perks; going to a rifle range, rappelling,
5 going to BMW. Make the job more enjoyable.

6 And they criticize him for praising her.
7 They put the style on it, oh, he's praising her
8 because he wants to have sex with her. Why can't
9 he praise her because she's doing a good job?
10 Even she complained to Ty Miller about these -- of
11 too many hours. This is too tough. This isn't
12 what I signed on for. She's complaining about her
13 hours because there are a lot of them.

14 And then we have the strange testimony of
15 Martine Helou, remember, that in February she's
16 telling her, two months, I'm out of here, or maybe
17 three. Two, three months, I'm out of here. And
18 that's what happened. You know? That's the irony
19 of it. I mean, it's like somebody was foreseeing
20 the future and knew what was going to happen. And
21 it wasn't Will Lewis, it was Savannah Nabors saying
22 it. It's just mystifying.

23 So, under the facts of this case, there's
24 simply no showing beyond any and all reasonable
25 doubt that the State's theory is correct.

1 I said to you in opening statement that
2 all they've proven is an affair. Well, almost.

3 Now, they're trying to prove that he was
4 oppressive under the statutory violation because
5 he told some people to stay away from Savannah, or
6 something like that. And, yet, when the one
7 person came to him and said, I've had a
8 relationship with Savannah, he didn't do anything.
9 It just doesn't seem quite like an oppressive-type
10 action. So I don't know where that oppression
11 comes from.

12 But I do want to mention one other thing,
13 too. The Tennessee woman -- let me get my exhibit.

14 Mr. Donahue came in here and testified
15 that he had a conversation with Will Lewis about
16 the time that -- about the time that -- I'll get
17 it in a second -- that Savannah left, because Will
18 told him, Savannah is going to be leaving. I need
19 a replacement. Will your sister's roommate work?
20 And he says, well, I don't know. I'll contact
21 her. Will says, basically, get me the contact
22 information and I will -- I'll call her. Right?
23 So he said he gave Will the contact information
24 for this to happen, and it's set out in State's
25 Exhibit 24, which is a list of people who have

1 contact with Will Lewis. And he, obviously, got
2 the contact because he had emails with him, right?

3 But when you look at 24, it's going to
4 prove that statement by Mr. Donahue was,
5 unfortunately, not correct. Not even slightly for
6 two reasons.

7 One, the -- and, incidentally, on the
8 cute side, Sidney Salati is two names of a board.
9 Sidney Salati's contact was created on January 26,
10 2017, four months before Mr. Donahue said he gave
11 her -- gave Will Lewis her contact information.
12 And you say, well, maybe he entered it wrong.
13 Let's go to the text messages that they
14 introduced.

15 We have a text message between Will Lewis
16 and Sidney Salati dated February 2, 2017. There
17 was absolutely no need for Will Lewis to inquire
18 about contact information with her in April of
19 2017. Zero. He had it. It was in his phone
20 already. Granted he forgot about it, but he had
21 it. That testimony is simply not accurate.

22 Whether he recalled another conversation
23 from months earlier, whether he had a conversation
24 with Will Lewis in December of 2016, and that's
25 where Will Lewis got the contact information, I

1 don't know. I don't know.

2 They didn't ask Will about his
3 conversation with Mr. Donahue, I noticed. But
4 whether he confused it and thought it was April, I
5 don't know. I just know it wasn't April. It just
6 wasn't April. That conversation didn't happen.

7 The solicitor made a big to do about the
8 fact that Will Lewis said he would probably fire
9 somebody that worked for him for doing the similar
10 act to what he did. Honest admission on
11 Will Lewis's position, but, as I say, he may be a
12 little harsh on himself. Sexual harassment is not
13 a crime. It is a despicable act. But sexual
14 harassment is unwanted contact. Unwanted contact.

15 The language that people deemed to be
16 offensive in conversation, that did not happen in
17 this case. She was interested in talking about
18 going to Reno. And it may have been for her own
19 self motivated reasons, but you listen to the
20 tapes. She is the one that talks about Reno, too.
21 She never says after Charlotte, I'm not going to
22 Reno.

23 And then they say that he was
24 manipulative because he talks about changes her
25 benefits, or whatever. Listen to the whole thing

1 in context and you'll find, and he's talking about
2 saying, we're not going to do trips anymore.
3 Which she should say, thank you. Thank you if
4 we're not going to do trips anymore. I'm happy to
5 hear that. That takes the pressure off of me.
6 But, no, they treat that as something that's --
7 how he's manipulating her.

8 And speaking of manipulation, I find it
9 most interesting, Chad Ayers talked about how he
10 felt like he was being manipulated. All right?
11 And he talked about the fact that toward the end
12 of that relationship by the time she filed the
13 suit, she, all of a sudden, just starts calling
14 him names. And that's in Defendant's 3. All
15 right?

16 And the strange thing about that is, in
17 October, I thought she was back with her husband.
18 Because, if you recall, Terri Coker said, on the
19 8th of July, she saw her at the Olive Garden, had
20 a nice conversation with her. She was with her
21 husband and they were getting along. And yet you
22 have text messages in here with Chad Ayers that go
23 well, well, beyond that.

24 Who is the manipulator? That could be
25 the question that needs to be asked.

1 She sat on the stand, she dabbed a
2 tissue, some -- we are now into over two years
3 later.

4 Here she is the next day. This is her
5 the next day out smiling, having fun, drinking
6 with her rapist. That makes no sense. Is there a
7 real possibility that only consensual sex, by both
8 parties, happened in a hotel room.

9 I'll sit down in a minute. Some of you say,
10 thank goodness.

11 I won't have a chance to come back up to
12 speak. If we did, we would probably be eating
13 breakfast here tomorrow as Kevin Brackett and I take
14 turns getting the last word in.

15 I know you heard what I've had to say.
16 You've raised questions as you should. I only ask
17 that, during Kevin Brackett's reply, you continue
18 to raise questions, and continue to raise
19 questions of, does that defeat the real
20 possibility? Not the real probability. Not even
21 the real probability. Just from the charges, all
22 has to be done, is I say, is there a real
23 possibility that what Will Lewis said on the stand
24 is correct.

25 And in that respect, as I mentioned in

1 the opening, this is circumstantial evidence case.
2 The strange thing about a circumstantial evidence
3 case, is that it is the only case we try in this
4 country in which a defendant can tell the truth
5 and be convicted, because the circumstances say
6 otherwise. Not because witness A said you were at
7 the scene and he says, I wasn't. That's
8 credibility. That's credibility. But when it's a
9 circumstantial evidence case, in a really true
10 circumstantial evidence case, it really gets
11 strange because you say everybody can tell the
12 truth and an innocent be convicted. That's why
13 the Judge will tell you the circumstances have to
14 be consistent with each other and point toward the
15 guilt of the accused. And mere suspicion isn't
16 enough. It's got to be stronger than that. So
17 listen to it.

18 I think when you analyze the facts of
19 this case and you really look at it, you will
20 realize that they just simply don't add up in the
21 State's theory. Yes, Will Lewis had an adulterous
22 affair. He violated his vows to his wife. He
23 disregarded his obligation to his God, and ignored
24 his responsibility to himself. He is a -- he was
25 a bad man in March of 2017. Being a bad sheriff

1 morally does not make you guilty of misconduct in
2 office or a statutory violation.

3 Analyze these facts and just keep asking
4 yourself, is there a real possibility that what
5 Will Lewis said on the stand is the correct
6 factual scenario of what happened in this
7 incident? And I think the facts will bear it out
8 it is. People who are raped don't blog. They
9 don't send out text announcements. And they don't
10 ignore reporting it to the police.

11 So when you analyze the facts in this
12 case, I think you'll find the proper verdict is
13 not guilty.

14 THE COURT: Mr. Brackett.

15 MR. BRACKETT: Thank you, Your Honor.

16 When I first stood up, what did I say? I
17 said, I'm not -- I'm not going to stand up here
18 and belabor the point of the guilt of Will Lewis.
19 I know you all are ready to get back there and
20 start working on your job and doing your duty,
21 which I know you will do honestly, and you will be
22 fair and justly, and you will not do it in the
23 manner that he did his.

24 But I do need to make this point. First,
25 what did I say when I first stood up? I said this

1 is not a rape case. This is a misconduct case. I
2 don't know why Mr. Wise spent the bulk of his time
3 in talking about whether or not it was consensual
4 or whether it wasn't consensual, da-da, did she
5 act like she'd been raped? He's not on trial for
6 rape. Okay? This is misconduct in office case.
7 That's the most important thing you need to
8 remember.

9 I want to go back and talk a little bit
10 about Savannah and the business in Charlotte just
11 for a minute. I want you to focus on the
12 misconduct. He said our theory is that he hired
13 her for the purpose of doing all this. And that
14 is our theory. But we don't have to prove all of
15 that. All we have to do is prove that, at some
16 point, he became corrupt. All right? At some
17 point. He could have hired her for a completely
18 legitimate purpose. He could have been completely
19 legitimate all the way up to the minute that he
20 got the part where he said, hey, you want to go
21 have sex in Reno. We'll fly out there and have a
22 good old time. We don't have to do anything.
23 We're just going to lay around and drink beer on
24 company dime and have sex. Do you want to do
25 that? And the minute he did that, sincerely

1 attempting to get her to go do that with public
2 money -- whether he was successful or not is
3 immaterial. It's not like in order to be corrupt
4 you have to actually do something corrupt, and
5 then succeed at it.

6 You know what he intended to do because
7 you heard him say what he intended to do. The
8 minute he did that, he was guilty. And he sat
9 right here and said, I was trying to get her to go
10 to Reno because I wanted to have sex with her with
11 public money. I was trying to further an
12 adulterous affair. That's what he said yesterday.
13 Today all he would say, it sure sounds like that.
14 It sounds like it because that's what he was
15 trying to do. The minute you find that, he is
16 guilty. He's done. Your job is done. He did
17 what that indictment says he did.

18 Now, the other stuff he did that, too.
19 He did use his authority to intimidate the
20 employees there to prevent them for associating
21 freely like every American is entitled to do. He
22 did do those other things. He did sexually harass
23 her, which is not following the law, which he's
24 required to do because part of his duties, as the
25 judge will tell you, is -- as a police officer, it

1 is inherent, as your job as a police officer, to
2 follow the laws. All of the laws. Not just some
3 of the laws, not just the criminal laws, but all
4 of the laws, including the employment laws, which
5 say you can't say to a woman, if you don't have
6 sex with me, I'm going to make your job miserable.
7 I'm going to take away all the fun part, and I'm
8 going to make you go down to the file room again.
9 Sorry, sweetie, that's the way it works. You
10 can't do that. That's illegal.

11 And when you're the sheriff and you do
12 that, it's misconduct. And that's what he did.

13 Again, you don't have to believe
14 Savannah Nabors in order to find that. All you
15 have to do is believe your own ears. What else is
16 there to discuss? Just listen to the tape, you
17 heard it. I want to roll with you on the
18 public -- on the company dime.

19 There is some circumstantial evidence in
20 this case, but the bulk of it, the most damning
21 evidence is direct evidence.

22 Circumstantial evidence is what I said
23 when I said, what he did, where you look at what
24 somebody does and you deduce what they're
25 intention is. Direct evidence is evidence where

1 you actually see them doing or saying what they
2 intend to do, like he did on the tapes. Those
3 recordings are direct evidence of his guilt.
4 There's nothing circumstantial about, I want to
5 take you to Reno and roll around on company time.
6 There is nothing -- there's no mystery, there's
7 no, you know, Sherlock Holmes deductions that you
8 have to make about what his intentions were. He
9 said what his intentions were.

10 Did you notice, I told you, Will Lewis,
11 he only did the press conference after the
12 recordings came out? You got to see a mini
13 version of that play out with Sidney Salati,
14 because, you remember Sidney Salati? No.

15 You remember the Tennessee beauty? There
16 was no Tennessee beauty. I don't remember that.
17 I don't know what you're talking about.

18 Okay. You don't from Tennessee? I don't
19 know anybody from Tennessee. I don't have any
20 phone numbers in my phone from Tennessee. I don't
21 know what you're talking about. All that
22 Tennessee stuff, that's just a big old fat lie.

23 We kept asking him. Willie asked him
24 again.

25 When did he finally give it up? When we

1 stuck the text messages in his face. And what did
2 he do? Oh, yeah. Oh, you mean that girl? Oh,
3 yeah. Hmm, okay. Yeah. I can't find her
4 picture, but you've seen it. Now, I remember.
5 All of a sudden it became clear to him. Now I
6 know who you're talking about.

7 Everybody's lying but Will. All the
8 whole world is lying on Will. Everybody's making
9 all this stuff up, but not Will. He's the one
10 telling the truth.

11 And because he did spend some time
12 talking about Savannah and her credibility, I will,
13 once again, remind you to recall yourself what you
14 saw happen right there and ask yourself, is that
15 real? Was that real, what I just saw? Is there
16 any doubt? Can there be any doubt what that girl
17 was going through when she was relating to you
18 what that man did to her?

19 And, yes, she did not act like there was
20 anything wrong the next day. We brought that out
21 with our witnesses. And why did that -- why did
22 she say that, because she didn't remember what
23 happened. That's why she didn't go down. She was
24 sick. She didn't remember what took place. She
25 said, I blamed myself. I didn't know what

1 happened. I couldn't process it. I'm trying to
2 figure it out. I'm not attracted to this guy, but
3 then I wake up and he's on top of me and in me.
4 And, I don't know. I thought it was something
5 that I did. That's not uncommon. That's why she
6 was not down there, and that's why she didn't run
7 downstairs. If she had gone back to the bar
8 because she forgot her phone and ran down the
9 street, and on the way back by herself some guy
10 jumped out of any alley and hit her over the head,
11 and dragged her into the bushes and raped her and
12 she didn't say anything, it might have been shame
13 still. Some woman don't report just because
14 they're embarrassed and they don't want to do
15 that. But there would have been no mystery about
16 what happened then.

17 This is a man she knew and trusted. A
18 big brother. Like a father figure to her.
19 Somebody she didn't have any sexually interest in.
20 But then, all of a sudden, she wakes up in a haze
21 and he's on top of her and she's trying to figure
22 it out.

23 And over the next five weeks she did,
24 because he kept pursuing her, tried to kiss her on
25 way back from the Palmetto Ale House event. And

1 then it starts coming in. The Reno thing happens.
2 And that was the end right there when he says,
3 want to go to Reno, and he tries to get her to go
4 there, that's when it starts like dawning on her
5 little young 22-year-old naive self. Oh, my God,
6 I'm not to blame for what happened in Charlotte.
7 This guy is just -- he's a monster. He won't
8 leave me alone. He's stalking me. I'm trying to
9 avoid him. Look at the texts. Go by my
10 neighbor's. They'll let you in to pick up the
11 pressure washer. Yeah, I'm right behind you. I'm
12 at the Chick-Fil-A here. She looks up and there
13 he is at a Chick-Fil-A, 20 minutes from her house
14 in Spartanburg. Miles from where he lives. And
15 she freaked out. That's why she started
16 recording.

17 If this had been to set up a lawsuit, she
18 would have had her video camera set up in the
19 hotel room in Charlotte. She would have started
20 recording a long time before that. It wasn't to
21 set up a lawsuit. It was only after he started
22 stalking her, and she realized this guy is sick.
23 He's a monster, and she became scared. And her
24 sister said, you need to start protecting
25 yourself. Hit the record button. That's why she

1 started recording. That's when she realized this
2 isn't right. Something is wrong. This is just
3 unhealthy. This is unnatural.

4 Six days later, she walked in and
5 resigned and left and never looked back. And,
6 yes, she went and hired a lawyer, and she talked
7 to him about a lawsuit. You know what, she should
8 have. She should have. He deserved to get sued.
9 He brought that on himself, and the county, and
10 the State. That was his fault. Like she did
11 something wrong for pursuing. That's what you do
12 when somebody does something like that to you.
13 You have a right, too. She has rights in Civil
14 Court, and she had a right to pursue him because
15 that man abused her, took an advantage of her,
16 emotionally manipulated her, and he is a monster,
17 and he deserves to be convicted.

18 THE COURT: All right, Ladies and
19 Gentlemen, it's a little after 5:00. I've got
20 about 20, 30 minutes to talk to you. Would you
21 like to take a short break? Keep moving. All
22 right. Let's move.

23 All right. Ladies and Gentlemen, you've
24 heard all the testimony in this case. You've
25 heard the argument by both the State and the

1 defendants you will take to the jury room with you.

2 All the evidence in this case has been introduced, and
3 now I must explain to you the laws that applies to
4 this case.

5 I remind you again that during this
6 trial, you have certain duties to perform. As
7 trial Judge, it's my responsibility -- you and I
8 both have duties to perform. As the trial Judge,
9 it's my responsibility to preside over the trial
10 in this case, and I also have the duty to rule on
11 the admissibility of the evidence offered during
12 the trial, and you are to consider only the
13 testimony which has been presented from witness
14 stand and any exhibits which have been made part
15 of the record in this case, and any stipulations
16 of counsel. And there was one, and I don't
17 remember exactly what it was, at the beginning of
18 the trial.

19 I have the additional duty to charge you
20 the law applicable to this case. And, as
21 presiding Judge, I'm the sole judge of the law of
22 this case, and it's your duty as jurors to accept
23 and apply the law as I now state it to you. If
24 you already have any idea as to what the law is or
25 what the law ought to be and it does not agree

Jury Charge

1064

1 with what I now tell you the law is, you must
2 abandon that idea because you are sworn to accept
3 the law and apply it exactly as I now state it to
4 you.

5 In every case tried in this court before
6 a jury, the jury becomes the sole and exclusive
7 judge of the facts of the case. A trial judge
8 cannot intimate, state, comment on or make any
9 statement to the jury about the facts in a case.
10 You, the jury, are the sole judges of the facts in
11 this case. You are not to infer from anything
12 I've said during the progress of this trial and
13 ruling upon the admissibility of evidence or
14 otherwise, or anything I say now during the course
15 of this instruction to you, that I have any
16 opinion about the facts in the case. The law does
17 not allow me to have an opinion about the facts in
18 this case. This is a matter solely for you, the
19 jury, to determine.

20 As jurors, it is your duty to determine
21 the effect, value, weight and truth of the
22 evidence that has been presented during the trial.

23 I remind you again, the indictments in
24 this case charge the defendant with misconduct in
25 office and misconduct of a public officer. I'll

Jury Charge

1073

1 in breach of duty of a public concern by persons
2 in public office provided that it's done willfully
3 and dishonestly.

4 Under the common law, a public official
5 is one who is charged with exercising some
6 sovereign power in the performance of his duties.
7 The common law imposes on all public officials a
8 duty of accountability upon the assumption of
9 office. Public officials must be impervious to
10 corrupting influences, and they must transact
11 their business frankly and openly in the light of
12 public scrutiny so that the public may know and be
13 able to judge them and their work fairly. The
14 public officer's failure to comply with the
15 statutory duty is misfeasance in office. The
16 State may prove the defendant's guilt by proving
17 violations of statutory duties while a public
18 official. Misfeasance means performance of a
19 lawful action in an illegal or improper manner.

20 To sustain conviction for common law
21 misconduct in office, the State need not prove an
22 independent criminal act. For a defendant to be
23 guilty of official misconduct, the State must prove
24 that the defendant willfully performed an underlying
25 act in connection with his public office in order to

1 obtain some benefit or to injure another. The benefit
2 need not be pecuniary in nature and the injury need
3 not be physical.

4 Conversely, proof of an otherwise
5 criminal act does not necessarily prove common law
6 misconduct in office. The misconduct must be done
7 in an official capacity under the cover of the
8 office or in the exercise of official duties to
9 sustain a conviction. Misconduct of a public
10 officer, that is the statutory misconduct of a
11 public officer. The defendant has been charged
12 with statutory misconduct as a public officer, or
13 by a public officer.

14 For the defendant to be found guilty of
15 statutory misconduct of a public officer, the
16 State must prove that the defendant, while a
17 public officer whose authority is limited to a
18 single election or judicial district, is guilty of
19 any of the following, colon, official misconduct,
20 corruption, fraud, or oppression. The term public
21 officer for statutory misconduct means all
22 officers of the State that have here for been
23 commissioned by members of various school boards
24 and other persons whose duties are defined by law.
25 South Carolina requires election for the office of

Jury Charge

1075

1 sheriff in each county at the general election in
2 each presidential year.

3 The term corruption means an act done
4 with intent to gain an advantage not consistent
5 with official duty and the rights of others.
6 Corrupt is defined to be dishonest, without
7 integrity, or guilty of dishonesty.

8 In a criminal case, the State cannot rely
9 on civil concepts of negligence and recklessness,
10 that is statutory violations, to meet the burden
11 of proving the defendant's state of mind. The
12 import of the terms negligence and recklessness as
13 used in the civil law and in the criminal law, are
14 neither equivalent nor interchangeable.

15 Criminal negligence is the reckless
16 disregard of one's duty as a public official.

17 Recklessness signifies conscious
18 disregard for the law.

19 But a criminal or immoral act committed
20 by a public official is not a basis for a
21 conviction. The crime or immoral action must be
22 in violation of the duties of the office he holds.

23 Well, I mentioned duty. In order to
24 convict Mr. Lewis, the State must prove that there
25 was a duty imposed by law upon him by virtue of

Jury Charge

1076

1 his position of the sheriff of Greenville County.

2 The duty in question must have been owed to the
3 public. This is essential, because, otherwise,
4 the offending behavior becomes merely the private
5 conduct -- misconduct of someone who happens to be
6 a public official. Misconduct in office relates
7 only to the duties of public concern.

8 Misconduct includes any act or any
9 omission in breach of duty of public concern by
10 persons in public office provided it is done
11 willfully, corruptly, and dishonestly. The duty
12 of accountability is imposed by the common law on
13 public officers and assumed by them as a matter of
14 law upon their entering public office. The State
15 must prove dishonesty and corruption in public
16 office in order to establish criminal misconduct
17 in office.

18 The duties of a sheriff, certain officers
19 have certain duties that just arise out of the
20 nature of that office, and the courts may take
21 judicial notice of such duties by judicial notice.

22 I charge you that every law enforcement
23 officer has an inherent duty to obey the law and
24 enforce it. That duty requires service to the
25 public of the highest fidelity, a refusal to be

1 influenced by corrupting motives, as well as
2 honesty, integrity, in good faith in the
3 performance of their official duties.

4 South Carolina law also requires those
5 assuming the office of sheriff and those serving
6 as sheriff's deputies to swear an oath of office.
7 That oath requires those individuals to study the
8 act prescribing their duties, be alert and
9 vigilant, enforce the criminal laws of the state,
10 and to detect and bring the punishment of every
11 violator of them, to conduct themselves at all
12 times with due consideration to all persons and
13 not to be influenced in any manner on account of
14 personal bias or prejudice.

15 If the State establishes that Mr. Lewis
16 owed a duty of public concern as alleged in the
17 indictment, the State has to prove beyond a
18 reasonable doubt that Mr. Lewis did not properly
19 and faithfully discharge that duty during the time
20 frame and in the manner stated in the indictment.

21 The State must also prove beyond a
22 reasonable doubt that Mr. Lewis breached the duty
23 willfully and dishonestly. It must be proven that
24 he acted in bad faith and with corrupt intent in
25 breaching the duty.

Jury Charge

1078

1 Willfully means intentionally, not
2 accidentally or innocently. The criminal intent
3 required to prove official misconduct in office is
4 that breach of official duty be done willfully and
5 dishonestly with bad faith and corrupt intent. An
6 act is done corruptly if committed by an public
7 official with the intent to gain an advantage that
8 is inconsistent with his official duty and in
9 contravention of the rights of the public.

10 Corrupt conduct includes dishonesty and
11 acting without integrity in the performance of an
12 officer's public duties. A specific intent to use
13 the powers of the public office to accomplish a
14 purpose which the public official knew or should
15 have known was beyond the legitimate exercise of
16 his authority constitutes bad faith.

17 All right, Ladies and Gentlemen, that
18 will conclude my comments or instruction to you on
19 the law.

20 Now, in this case, as in every case, a
21 verdict in any case cannot be based on sympathy,
22 passion, prejudice, or emotion, or some other
23 consideration not found in the evidence. I charge
24 you that, as jurors, you must decide the issues
25 involved in this proceeding based solely on the

Jury Charge

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1 evidence you hear during the course of the trial.

2 Your verdict must be without bias and
3 without prejudice to any party. The verdict must
4 represent the considered judgment of each juror.

5 In order to return a verdict, it's necessary that
6 each juror agree. Your verdict, in other words,
7 must be unanimous. It's your duty, as jurors, to
8 consult with one another, to deliberate with a
9 view to reaching an agreement, if you can do so
10 without violence to your individual judgments.

11 Each of you must decide the case for himself or
12 herself, but do so only after an impartial
13 consideration of the evidence in the case with
14 your fellow jurors.

15 In the course of your deliberations, do
16 not hesitate to reexamine your own views and
17 change your opinion if convinced it is erroneous.
18 But do not surrender your honest conviction as to
19 the weight or effect of the evidence solely
20 because of the opinion of your fellow jurors or
21 for the mere purpose of returning a verdict.

22 Remember at all times that you're not
23 partisans favoring one party over another. You
24 are judges. Judges of the facts in this case.
25 Your sole interest is to seek the truth from the

1 evidence in this case.

2 You should now retire to the jury room,
3 but do not begin your deliberations until I've
4 instructed you to do so. You may retire to the
5 jury room, Ladies and Gentlemen.

6 Have the alternates remain in the hall.

7 (Jury exits the courtroom at 5:31 p.m.)

8 THE COURT: Any objection to dismissing
9 the alternates at this time?

10 MR. WISE: No objection from the
11 defendant.

12 MR. BRACKETT: None from the State.

13 THE COURT: I've just had an experience
14 with one solicitor in Richland County, whose name
15 will go unmentioned, who would never let me
16 dismiss the alternates until she was absolutely
17 certain that the jury was deliberating. I was so
18 lucky to have tried cases with her.

19 All right. Let's sit for a minute. Any
20 objection to the charge? Or go ahead.

21 MR. WISE: Let me get down to it, because
22 I, kind of, marked it as we went through it. It
23 was down when you started talking about --

24 First of all, of course, the objection
25 about you're being asked to provide a separate

1 verdict of guilty or not guilty as to each
2 indictment. I think it's either/or. I'll raise
3 that issue again.

4 On the misconduct charge, this is --
5 please don't accuse me of being too petty. In the
6 charge on page 9 when you get down into these
7 smaller type --

8 THE COURT: Yeah, that was from the
9 State.

10 MR. WISE: You made the statement,
11 "Public officials must be impervious to corrupt
12 influences, and they must transact their business
13 frankly and openly..." You did not say "official
14 business."

15 THE COURT: I think you're right. Where?

16 MR. WISE: Right toward the end of that
17 paragraph that begins, "Under the common law."

18 MR. BRACKETT: Yeah, we noticed that,
19 too.

20 MR. WISE: Oh, okay.

21 THE COURT: All right. Let me find it.

22 MR. WISE: I disagree with the -- object
23 to the charge about misfeasance.

24 THE COURT: Wait a minute.

25 MR. WISE: Oh, right down below it. The

1 next paragraph.

2 THE COURT: No, I'm talking about
3 "official business."

4 MR. WISE: Right.

5 THE COURT: Wait a minute. Down at the
6 bottom of the page?

7 MR. WISE: It's right before --

8 THE COURT: Yeah. I said they must
9 transact their official business frankly and
10 openly.

11 MR. WISE: Right. And you just said
12 business.

13 THE COURT: Did I not say official?

14 MR. WISE: You didn't say official for
15 some reason.

16 MR. BRACKETT: We officially noticed that
17 too. Do you want me to bring them back?

18 THE COURT: Well, keep going.

19 MR. WISE: All right. And I think -- I
20 don't know if misfeasance is part of this. You
21 say misfeasance means the performance of a lawful
22 action in an legal and improper manner, I object
23 to that. Keeping with my previous objection that
24 "you need not prove an independent criminal act,"
25 I noted that earlier. I object for the record

1 here. And also the next sentence, "For the
2 defendant to be guilty of official misconduct, the
3 State must prove the defendant willfully performed
4 the underlying act in connection with..." -- I
5 don't know why I objected to that. We'll skip
6 that one.

7 I object again in keeping the charge as
8 to the statutory violation as to the terms
9 "corruption" as it being too vague. The term
10 "oppression" as being too vague, and "gross
11 negligence" as being too vague, and I'm thinking
12 that's it.

13 THE COURT: All right. With respect to
14 the objections, other than the "official business"
15 objection, which I -- if I neglected to say
16 "official business," I will recharge, if that's
17 what you want.

18 MR. WISE: Yes, sir. Just that one
19 sentence.

20 THE COURT: I'll do that. Okay.
21 Anything from the State?

22 MR. BRACKETT: No, Your Honor.

23 THE COURT: All right. Bring the jury.
24 Just tell them for just a minute, and they're
25 probably all in the bathroom. I need the jury as

1 a whole. All of them.

2 (Jury enters the courtroom at 5:40 p.m.)

3 THE COURT: Ladies and Gentlemen, I
4 misspoke one point in my instruction, and that's
5 why I had -- when you leave, I always ask the
6 attorneys if I've given the correct instructions
7 according their understanding of the case.

8 But I read, "Public officials must be
9 impervious to corrupting influences, and they must
10 transact their business frankly and openly in
11 light of public scrutiny so that the public may be
12 able to know and be able to judge them and their
13 work fairly." I meant to say "official business."
14 "In their official business."

15 In other words, the correct statement of
16 the law is: "Public officials must be impervious
17 to corrupting influences, and they must transact
18 their official business frankly and openly in
19 light of public scrutiny so that the public may
20 know and be able to judge them and their work
21 fairly."

22 That's all. You may return to the jury
23 room. I'm going to ask the two alternates to just
24 wait for a minute.

25 (Jury exits the courtroom at 5:41 p.m.)

1 THE COURT: Mr. 400?

2 JUROR 400: Yes, sir.

3 THE COURT: Mr. 342?

4 JUROR 342: Yes, sir.

5 THE COURT: You sound like prisoners or
6 something.

7 JUROR 400: It's been a long week, Your
8 Honor.

9 THE COURT: It's been a long week. I
10 understand. Let me explain to something to you,
11 obviously, you were seated as alternate jurors,
12 and I will tell you, honestly, how many times in
13 the last 20 years that I've been doing this that
14 we've needed alternates. And you wouldn't -- you
15 wouldn't -- no, you wouldn't be surprised how many
16 cars break down, how many children get sick, how
17 many grandmothers get sick. I mean, I heard so
18 many grandmother excuses one week in Columbia that
19 I thought they had rent-a-grandmother, because
20 there was always a sick grandmother. And I don't
21 mean to make fun of that. I'm sure it was true.
22 But we always need alternates.

23 Now, in this case, your fellow jurors
24 made it through, so to speak. I assume they will
25 be begin deliberating in just a few minutes, but I

1 must release you now at this time. I want to
2 thank you for your service. It's invaluable. I
3 hope you've -- even though you're not going to be
4 able to sit and make the decision with your fellow
5 jurors, and, you know, they may be here until
6 midnight, so maybe I'm doing you a favor by
7 letting you go, but I can't tell you how much I
8 appreciate your service. These attorneys
9 appreciate your service. The Court staff here,
10 everybody appreciates the fact that you came, sat,
11 listened to the evidence, and did your civic duty.

12 I think the original judge who qualified
13 you probably told you that you now are exempt for
14 the next two years from jury service. But I would
15 hope if you were called on jury service sometime
16 in the future that you'll come and sit and
17 participate in the process. It's just part of
18 life of living in this country. Your service is
19 so important.

20 Now, I will tell you that you are welcome
21 to stay. You're welcome to sit in the gallery.
22 If anybody wants to talk to you, you don't have to
23 talk to anybody. And if anybody were to give you
24 any kind of -- let's say, the press, maybe they're
25 sitting out there in the hall, I don't know, but

1 if they wanted to talk to you, you can certainly
2 talk to them. But you can also say, I'm not -- I
3 don't want talk to you. And if you have any
4 problems, I got plenty of people around here to
5 straighten that situation out. You're welcome
6 to -- either of you need any work excuses?

7 JUROR 400: Yes.

8 JUROR 342: I do not, Your Honor.

9 THE COURT: You do?

10 THE CLERK: We have them.

11 THE COURT: They have them. All right.
12 Okay. Your check is in the mail.

13 JUROR 400: Thank you, Your Honor. Look
14 forward to it.

15 THE COURT: Good luck to both of you.
16 Thank you very much.

17 (Alternates excused at 5:45 p.m.)

18 THE COURT: All right. Counsel, let's
19 get this evidence straight, so we can --

20 MR. WISE: We had it straight at one
21 time.

22 MR. BRACKETT: Yeah.

23 MR. WISE: Then somebody got up and spoke
24 to the jury and messed it all up.

25 MR. BRACKETT: That would be me.

1 (Deliberations begin at 4:45.)

2 (Off the record.)

3 (COURT EXH. 1, Foreperson, was entered into
4 evidence.)

5 (Foreman enters the courtroom at 7:12.)

6 THE COURT: Mr. 20?

7 JUROR 20: Yes, sir.

8 THE COURT: How are you doing?

9 JUROR 20: Good. Okay.

10 THE COURT: Well, I know it's a lot to
11 think about, so it's 7:15, I'm going to offer you
12 -- I'm going to ask you to go ask the jury, either
13 I can release you and send you home and come back
14 in the morning, or you can stay. If you stay, I
15 need to know if you need -- want something to eat.
16 I've been told it will be Chick-Fil-A. Now, I
17 don't know if I'd want to stay just for
18 Chick-Fill-A. We can give you plenty of these
19 (indicating). But will you ask the jury how you
20 would like to proceed, okay?

21 JUROR 20: Okay.

22 THE COURT: All right. Thank you. Just
23 report back to me.

24 JUROR 20: Okay.

25 (Off the record.)

1 JUROR 20: The jury said they would like
2 to stay and order Chick-Fill-A and crackers as
3 well.

4 THE COURT: That's what we will do.
5 Thank you very much. We'll do it immediately. We
6 will get something here as quickly as we can.

7 THE COURT: Thank you.

8 (A break was taken at 7:19 p.m.)

9 THE COURT: 2 marked into evidence.

10 (Off the record.)

11 (COURT EXH. 2, Question from the jury, was
12 entered into evidence.)

13 (Off the record.)

14 (Question from jury at 8:12 p.m.)

15 THE COURT: All right. Bring in the
16 jury.

17 (Jury enters the courtroom at 8:19 p.m.)

18 THE COURT: All right. Ladies and
19 Gentlemen, I have your note. I think the best way
20 to deal with it -- I was going to try to write it
21 out, but I think maybe I can explain it better.

22 The question is: "In making a decision,
23 should we be guided by the allegations on page 8
24 in the indictment, or should we be more broadly
25 guided by the common law misconduct in office on

1 page 9 and 10, and the statutory misconduct of a
2 public officer on page 10 and 11?"

3 Well, your question is well-worded,
4 because the allegations under section -- that is
5 page 7 and 8, are just that. They're allegations.
6 They are the allegations that brought the case
7 into court. I just -- I've read them to you when
8 the case started, and I put them in the
9 instructions just to remind you what the
10 allegations are that the State is making against
11 the defendant.

12 9 -- I mean, 9 and 10 and 10 and 11
13 define -- tell you what the law is with regard to
14 the allegations. In other words, they apply to
15 those allegations. I don't -- the allegation is
16 just that. It's just an allegation.

17 The law that applies to common law
18 misconduct in office is described on page 8, I
19 guess -- or 9 and 10.

20 And the law as it applies to statutory
21 misconduct is described on 10 and 11.

22 Does that make sense? I see a lot of
23 quizzical looks.

24 The difference -- the allegation is
25 simply -- I said it numerous times. It's simply

1 the charge. That's what he has been charged with.
2 It's -- well, I gave you the piece of paper. The
3 allegations. It's just the charge. I only
4 repeated it in my charge to remind you of what
5 he's charged with.

6 9 and 10 and 10 and 11 describe what the
7 law is with regard to misconduct under common law
8 and misconduct under statutory law.

9 So I guess the answer to the question --
10 well, I know the answer to the questions is: You
11 should be broadly guided by 9 and 10, 10 and 11.

12 Okay. I can't do a question and answer
13 right now, but, if you have another question, put
14 it in writing and I'll try to do it again. Okay?
15 All right. Thank you very much.

16 (Jury exits the courtroom at 8:22 p.m.)

17 THE COURT: Counsel approach.

18 (Bench conference off the record.)

19 THE COURT: All right. Counsel, the
20 Bailiff informs the Court the Jury has reached a
21 verdict. Are you ready to receive the verdict?

22 MR. BRACKETT: The State is ready, Your
23 Honor.

24 MR. WISE: Defense is ready, Your Honor.

25 THE COURT: All right. Bring the jury.

1 (Jury enters the courtroom at 10:32 p.m.)

2 THE COURT: Mr. Foreman, the bailiff has
3 informs the Court the jury has reached a verdict;
4 is that correct?

5 FOREMAN: Yes, sir.

6 THE COURT: Would you hand your verdict
7 to the Bailiff, please?

8 FOREMAN: (Complies.)

9 THE COURT: Madame Clerk, would you read
10 the verdict, please?

11 THE CLERK: Yes. In the case of
12 2018-GS-23-2466A and 2019-GS-23-1146A, the State
13 vs. William D. Lewis, "We, the jury, as to the
14 charge of common law misconduct in office
15 unanimously find the defendant not guilty."

16 "We, the jury, as to the charge of
17 statutory misconduct of a public officer
18 unanimously find the defendant, William D. Lewis,
19 guilty."

20 Ladies and Gentlemen if this is the
21 verdict you came to in the deliberation room,
22 please raise your right hand.

23 JURY PANEL: (All hands raised.)

24 THE CLERK: Thank you.

25 THE COURT: Any desire to poll the jury?

1 MR. WISE: Excuse me:

2 THE COURT: Any desire to poll the jury?

3 MR. WISE: We request to poll the jury,

4 Your Honor.

5 THE COURT: All right. Madame Clerk,
6 please poll the jury.

7 THE CLERK: The verdict that was just
8 published was the verdict you reached in the jury
9 room. I ask you, was it your verdict then and is
10 it your verdict now? When I call your number
11 please answer yes or no.

12 THE CLERK: 183?

13 JUROR 183: Yes.

14 THE CLERK: 160?

15 JUROR 160: Yes.

16 THE CLERK: 18.

17 JUROR 18: Yes.

18 THE CLERK: 197?

19 JUROR 197: Yes.

20 THE CLERK: 166?

21 JUROR 166: Yes.

22 THE CLERK: 20.

23 JUROR 20: Yes.

24 THE CLERK: 105?

25 JUROR 105: Yes.

1 THE CLERK: 201?

2 JUROR 201: Yes.

3 THE CLERK: 416?

4 JUROR 416: Yes.

5 THE CLERK: 208?

6 JUROR 208: Yes.

7 THE COURT: 238?

8 JUROR 238: Yes.

9 THE CLERK: And 427?

10 JUROR 427: Yes.

11 THE CLERK: Thank you..

12 THE COURT: All right. Ladies and
13 Gentlemen, thank you very much. I know you
14 conscientiously approached this matter. You
15 deliberated -- well, you did a good job. That's
16 all I can say. Not in terms of the verdict, but
17 the fact that you took your time, considered all
18 the elements, and came to a consensus. I know
19 that's not an easy thing to do, but you've managed
20 to do that.

21 It's often said it takes -- sometimes it
22 takes a long time for one person to make up their
23 mind, but to get 12 people to make up their mind
24 is -- it's difficult, I know that. Personally, to
25 each of you, I'm sure you each have feelings about

1 what you've just been through.

2 Now, the remaining part of this trial
3 will consist of the sentencing of the defendant on
4 the one charge that you found him guilty. That
5 charge carries a penalty of up to one year in
6 jail. That's the maximum. Because of the late
7 hour, I'm not going to do that tonight. I'm going
8 to give the defendant and the State the
9 opportunity to prepare whatever they want to
10 present to the Court in the way of mitigation,
11 that sort of thing, and we'll do so at ten o'clock
12 in the morning.

13 You certainly are welcome to come back up
14 to the courthouse if you were interested in doing
15 that. I'm sure you will learn of my decision
16 through the press. The press is here pretty much
17 full time.

18 But, I do want to thank you for your
19 service. Whether it's important or not, by
20 serving this week, you will have an additional two
21 years of exemption from jury service. But I would
22 hope that in the future, if you're called to serve
23 as jurors, that you will do so as gladly as you've
24 done so this week.

25 It's been a pleasure working with you.

1 You've been everything I could ask for in the form
2 of a jury.

3 I want to thank you on behalf of myself,
4 the attorneys in this case, the court personnel,
5 everybody else that was involved in the case.

6 This is a remarkable process. As one of
7 the attorneys mentioned during his closing
8 argument, that 12 people from the community get to
9 -- we ask to decide these important matters in the
10 community. It's a system that is unparalleled and
11 unequal anywhere else in the world. You should be
12 proud of the system we have, and your dedication
13 to it this week.

14 So, you are now dismissed. You don't
15 have to come back tomorrow. I hope you feel that
16 you've done your best and that you can sleep
17 soundly tonight with the decision you made.

18 So, with that, thank you very much. Good
19 evening. You're now excused.

20 (Jury exits the courtroom at 10:38 p.m.)

21 MR. WISE: Your Honor, if I may, I know
22 we discussed this at a bench conferences what to
23 do in the event of a guilty verdict, in view of
24 the fact that the only thing he was convicted of
25 carries up to one year, and none of this involved,

1 you know, actually stealing from the county for
2 his own pecuniary gain, I would request that he be
3 allowed to come back tomorrow for sentencing and
4 go home tonight. The chance of being a flight
5 risk on that charge I think is so de minimis that
6 it's a reasonable request, particularly when you
7 consider the fact that there could be some concern
8 for his safety in being incarcerated over the
9 night. I think it's a reasonable request under
10 the circumstances.

11 THE COURT: Well, I think it's a
12 reasonable request. I told you my views on that
13 subject --

14 MR. WISE: Right.

15 THE COURT: -- at the bench. I certainly
16 need some assurance that he would appear.

17 MR. WISE: You can threaten to hold him
18 in contempt and it add it to the one-year
19 sentence.

20 THE COURT: I can tell you, if he doesn't
21 appear, he's familiar enough with law enforcement
22 to know that I have means.

23 MR. WISE: Correct. And if you order him
24 to appear and he doesn't appear, he would be in
25 contempt of this Court.

1 THE COURT: Mr. Lewis, do you have a
2 passport?

3 MR. LEWIS: Sorry, Your Honor?

4 THE COURT: Do you have a passport?

5 MR. LEWIS: No, sir. I do not.

6 THE COURT: That's one assurance right
7 there. All right. It's against my better
8 judgment, but since you asked, and it is -- he's
9 not facing a great deal of time. If, indeed, he
10 were to be sentenced to the maximum -- what's --
11 does the State have a position? I know you
12 probably do.

13 MR. BRACKETT: I believe I've shared my
14 experience in this matter with the Court at the
15 same time you shared your views, and I cannot
16 consent to --

17 THE COURT: All right. I understand
18 that.

19 MR. BRACKETT: Everybody gets convicted.
20 And he had no bond to begin with, and I think he
21 should be treated no different than anybody else
22 in this situation.

23 THE COURT: Well, Mr. Wise is a wise man.
24 Mr. Lewis, if you don't appear tomorrow, all
25 hell is going to rain down on you and probably your

1 family. Do you understand that?

2 MR. LEWIS: Yes, sir.

3 THE COURT: I'll expect you here at
4 10:00 a.m. in the morning. If you're not, I will
5 instruct every law enforcement officer, I don't
6 mean this county, but every county in the state of
7 South Carolina to be on the lookout for you. You
8 understand?

9 MR. LEWIS: I understand.

10 THE COURT: You're free to go.

11 MR. LEWIS: Thank you, Judge.

12 THE COURT: Hold on, please. Any
13 motions?

14 MR. WISE: I would like to reserve
15 10 days.

16 THE COURT: All right. You've got days.
17 That's fine. I had to ask.

18 MR. WISE: Thank you very much.

19 THE COURT: Ten days. We are adjourned
20 until 10:00 o'clock in the morning.

21 MR. BRACKETT: Thank you, Your Honor.

22 (The trial was concluded at 10:42 p.m.)
23
24
25

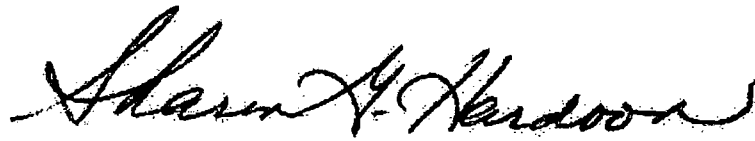
CERTIFICATE OF REPORTER

1100

I, SHARON G. HARDOON, Official Circuit Court Reporter, II for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions Court for Greenville County, Greenville, South Carolina.

I do further certify that I am neither kin, counsel, nor interest to any party hereto.

February 24, 2020



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, II

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF GREENVILLE

4 The State of South Carolina,
5 Plaintiff,

6 vs.

Transcript of Record
2018-GS-23-02466A
2019-GS-23-1146A

7 William D. Lewis,
8 Defendant.

9
10 October 25, 2019
11 Greenville, South Carolina
12 Volume V, Sentencing

13 B E F O R E:

14 The HONORABLE G. THOMAS COOPER

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

16 Kevin S. Brackett, Representing the State of South
17 Carolina
18 Willy Thompson, Representing the State of South
19 Carolina
20 Leslie Robinson, Representing the State of South
21 Carolina

22 Rauch Wise, Representing the Defendant,
23 William D. Lewis

24 SHARON G. HARDOON, CSR
25 Official Circuit Court Reporter

1 THE BAILIFF: All rise. Honorable G. Thomas
2 Cooper presiding.

3 THE COURT: Be seated, thank you.
4 State ready to proceed?

5 MR. BRACKETT: State is ready.

6 MR. WISE: Defense is ready, Your

7 THE COURT: All right. Solicitor.

8 MR. BRACKETT: If it pleases the Court,
9 Your Honor, on Monday when we picked the jury, the
10 defendant he was presumed innocent, Your Honor,
11 and that has now ended. The defendant has been
12 convicted by a jury of his peers and found guilty
13 of misconduct in office and we are at the stage
14 where we need to decide what to do with him.

15 I know, having been doing this for nearly
16 30 years, that the defense is going to highlight
17 the fact that he has no prior record, and that
18 he's never been convicted of anything. I
19 understand that is a mitigating factor that the
20 Court should take into consideration, and I'm sure
21 Your Honor will. However, I'd like to put some
22 context to that.

23 I have prosecuted many misconducts in
24 office in my career. This, as I thought about it,
25 I believe, though, is my first trial. Most of the

1 defendants that I've prosecuted have accepted
2 responsibility. They came into court,
3 acknowledged what they did, pled guilty, and
4 accepted responsibility.

5 Misconduct in office is different from
6 other crimes. It's no good to say that you have
7 no prior record, because, honestly, if he had had
8 a prior record, he never could have been elected
9 sheriff. He would have not been elected the
10 sheriff of Greenville County. It was only because
11 of his had a spotless record that he was able to
12 win the election in 2016.

13 So I would argue that his record is truly
14 irrelevant because he tendered himself as an
15 honorable man, a man who had integrity, a man that
16 the citizens of Greenville could trust with their
17 liberties.

18 I have never in my 30 years, ever,
19 prosecuted anybody for misconduct in office,
20 second offense, because you don't get a second
21 offense after the first one. There is no second
22 offense. After you've been convicted of
23 misconduct in office, you're not allowed to hold a
24 second office. And nobody is going to trust him
25 if he had any other kind of conviction, if he had

1 a larceny.

2 So Mr. Lewis is not like the garden
3 variety criminals that come through this courtroom
4 every day. He's different. And I would argue
5 that his lack of a record is irrelevant for
6 sentencing purposes, because it is only his lack
7 of record that allowed him to be in that office in
8 the first place.

9 Now, as I pondered my numerous misconduct
10 in office prosecutions over my career, I realized
11 they fall into three categories.

12 The first category are the bureaucrats
13 and the small time officials who are not elected
14 who serve in various positions of government
15 throughout a county, a municipality. I think back
16 to a lady I prosecuted many, many years ago who
17 was a clerk at a municipal utility. She collected
18 money from customers when they came in to pay
19 their bills, and she figured out some scheme
20 whereby she could pocket some this money and
21 divert it to herself. She was charged with
22 misconduct and came in and plead guilty in front
23 of your former county colleague, the late, great
24 J. Ernest Kinard, who listened patiently as she
25 explained what her position was and why she

1 shouldn't be sentenced to prison. And, of course,
2 you know Judge Kinard, he's a rye, sardonic, sort
3 of, man. After listening to the mitigation, he
4 did his characteristic tilt his head to one side,
5 and hold his hand out and go, ma'am, I always send
6 people to prison for stealing from the public. I
7 always do that. And he did.

8 The second category of misconduct is
9 elected officials. I've prosecuted a number of
10 them. I think of Brad Morris, the former Clerk of
11 Court for the Union County court system. A man
12 who became addicted to oxycontin and stole over
13 \$200,000 to support his habit in the space of
14 about 13 years. The evidence against him was
15 conclusive and overwhelming, much like this case.
16 He came in and pled guilty in front of the
17 Honorable Lee Alford. And Judge Alford listened
18 carefully to what he had to say and I said, of
19 course, he has no record, just like I'm telling
20 you. Judge Alford gave him seven years. Because
21 he was able to help with some other cases at a
22 later time, he was able to get that reduced to
23 four. But he still went to prison.

24 But that's a different kind of elected
25 official, because he's a functionary, a clerk.

1 While the job is important and he was entrusted
2 with the management of money, it's different than
3 this defendant.

4 This defendant, Your Honor, falls into
5 what I consider the third category. He is an
6 elected official, but he is an elected official
7 who is charged with administering and enforcing
8 the laws of this state. He is entrusted, not just
9 with oversight of money, money comes and goes, and
10 it's important, I'm not diminishing it, but he is
11 empowered to deprive citizens of their liberty and
12 to ruin their reputation, just like I am.

13 I fall into that third category. I am
14 administering the law. I am enforcing that system
15 that the public relies on to keep them safe, just
16 like they relied on Mr. Lewis to keep them safe
17 and they vested him with broad powers to come to
18 their homes, or to pluck them from the street to
19 place them in handcuffs and carry them to the
20 detention center, throw them in cage, have their
21 names flashed in the newspaper ruining their
22 reputations. I think back to what Iago said in
23 Othello. "He who steals my purse steals trash;
24 'tis nothing; 'twas mine, 'tis his, has been slave
25 to thousands; But he who filches from me my

1 reputatiion takes that which enriches him not, And
2 leaves makes me poor indeed."

3 He had far more power than Brad Morris,
4 the clerk in Union, and he should be held to a
5 higher standard. And that should factor in to how
6 this Court considers what to do with Mr. Lewis.
7 Our very lives and liberty depend on his
8 integrity.

9 And, as you have seen, and as the jury
10 has now pronounced, he has no integrity. He sat
11 on this witness stand arrogant and cocky telling
12 us how he changed. With every answer he gave, he
13 let the world know that he was the exact same man
14 that we heard on those recordings. Nothing had
15 changed. He is the same man. He has no insight
16 into his own personal failings. This wasn't an
17 isolated incident. This is who he is, and I don't
18 think he's capable of change. I don't think he
19 will ever be different.

20 When you look at what he did, at the
21 brazen, naked corruption that was evidenced on
22 those tapes, when you hear him telling her, let's
23 go to Reno, when you hear him saying, I just want
24 to roll around with you on company time, I don't
25 think any court anywhere has ever been treated to

1 such a blatant display of corruption as we heard
2 on those recordings.

3 And he wanted his day in court. He
4 didn't want to accept responsibility. He refused
5 right to the bitter end, and that is his right. I
6 am not holding that against him, and I would never
7 presume to ask this Court to hold that against
8 him.

9 But what I would ask the Court to do is
10 not give him the same consideration that you give
11 every other defendant who comes to that bar and
12 stands in front of the judiciary of our state and
13 says, I see where I screwed up. I did do wrong,
14 and I'm sorry. Please forgive me. I accept
15 responsibility. And judges, routinely, credit
16 those defendants with that. They give them credit
17 for accepting responsibility. He's not entitled
18 to that same credit. He did not. He still has
19 not. I know in my heart, as I stand here, as he
20 stands there, he still doesn't think he did
21 anything wrong.

22 Your Honor, this isn't just about what he
23 did. This is about what happened as a result of
24 what he did. First, the County of Greenville, and
25 the State of South Carolina had to pay \$200,000 to

1 resolve the civil suit. The entirely justified
2 and appropriate suit that was filed by
3 Savannah Nabors. You're a judge and have been
4 involved in the law for many years, there's no
5 question, based on what we heard on those
6 recordings, that this woman was harassed.

7 Past that, the State Law Enforcement
8 Division came to Greenville. They dedicated two
9 officers for a year and a half to nothing but this
10 case. April Sykes, who sits back in there in the
11 lavender shirt, did nothing for a year and a half,
12 along with Bo Barton, but work on this case. This
13 was their full-time job. They took no other
14 assignments. Interviewing countless witnesses,
15 recording them, documenting them, chasing down
16 documents, gathering as much evidence as they
17 possibly could. They were the primary case
18 agents. Dozens of other agents came and did
19 assignments on this case as well, as-needed. And
20 all these people -- they couldn't use the local
21 State Law Enforcement Division, much like they
22 couldn't use the local solicitor's office, because
23 they didn't want anybody to think that there was
24 some local influence on this case, so they brought
25 in outside agents from the Midlands to work on

1 this case. SLED spent over \$150,000 investigating
2 what this man did. \$150,000.

3 My office has spent hundreds of hours,
4 and I want to compliment Deputy Solicitor
5 Willy Thompson and Assistant Solicitor
6 Leslie Robinson who worked this case with me.
7 They worked tirelessly. We spent so much time
8 back in York reviewing this file. There are
9 thousands and thousands of documents that needed
10 to be looked at, hundreds of hours of video tape,
11 audio tape, just so much material to sift through
12 to make sure that we understood this case and we
13 could do justice by it.

14 We've spent so much time in Greenville.
15 We all have children. I haven't seen my daughter
16 in two weeks. For less than an hour total,
17 because I was here all last week preparing this
18 case, and I'm here all this week.

19 Those, Your Honor, are consequences of
20 what this man did, but they're trivial. Those are
21 trivial consequences. Again, that's money and
22 time compared to what the public's perception of
23 law enforcement has been as a result of what he
24 did, because what this man did eroded the public's
25 confidence in their justice system. It made them

1 question whether or not the sheriff's department
2 could be fair.

3 All the officers who all work hard, who
4 value their reputations and wouldn't do anything
5 like what Mr. Lewis did, they spend their days
6 answering calls and answering questions and jibes.
7 For every one of those officers that had to put up
8 with that, I want Your Honor to consider that as
9 you fashion your sentence.

10 One of those officers is here. Where is
11 she? There she is. You heard from her earlier
12 this week, Master Deputy Laura Jones. Would you
13 stand up, please? There are numerous other
14 officers that are in the room, as you can see, who
15 wanted to come here and represent their brothers
16 and sisters who enforce the law in
17 Greenville County, but Master Deputy Jones would
18 like to say a few words on their behalf.

19 MS. JONES: Thank you, sir.

20 Your Honor, first of all, this is very
21 difficult to stand up and do this.

22 THE COURT: I understand.

23 MS. JONES: The past two years have been
24 extremely stressful and taxing on the men and
25 women of the sheriff's office that work tirelessly

1 to protect and serve the citizens of
2 Greenville County.

3 In addition to our normal
4 responsibilities, we've had to deal with the
5 tension, the divide this has created, and the
6 constant limbo that was created by Will Lewis's
7 actions.

8 I feel sorry for his family, especially
9 his children. I hope they can begin to heal from
10 this as well. I also hope that he can finally
11 realize how his choices have greatly affected so
12 many people. Many great deputies have lost their
13 positions, or even had to leave to go to other
14 agencies due to the atmosphere that he created.

15 On top of that, the frivolous use of
16 county money affected us when he constantly
17 struggle to attend necessary training, have cars
18 that don't break down, and so we can afford the
19 most updated technology in order to do our jobs.

20 As Solicitor Brackett said, all of our
21 badges have been tarnished by this, and this
22 resolution by the Court has taken a huge weight
23 off of all of our shoulders.

24 Our deputies constantly put their lives
25 on the line and it is truly a disgrace that we've

1 all this added turmoil on top of the horrible and
2 traumatizing situations that we deal with on a
3 daily basis.

4 Having said that, the sheriff's office is
5 a family, and we will get through this together.
6 Sheriff Johnny Mack Brown has thankfully walked
7 with us through this unstable time and we're
8 looking forward to finally moving on and
9 restoring, not only the stability, but the
10 integrity of this agency.

11 I appreciate the chance to speak to
12 Your Honor. Thank you.

13 THE COURT: Thank you, ma'am.

14 MR. BRACKETT: Thank you.

15 In addition to the deputies, I would also
16 like to point out something, while she is not a
17 traditional victim, as I've told the jury, this
18 man is not on trial for the assault that took
19 place in Charlotte, North Carolina, however,
20 Savannah Nabors has been victimized by this man's
21 conduct. What he did to her was disgusting and
22 reprehensible. What she had to put up with at the
23 age of 22, this man, this powerful man, much
24 older, married with children, abusing and
25 manipulating her with the power of his office, as

1 he did, is unspeakable.

2 And after all that she suffered, I want
3 to commend her publicly for what she did.
4 Because, without Savannah Nabors, this man would
5 never have been exposed for what he is. She had
6 the courage to stand up, hit the record button,
7 and share with all of us just how corrupt and
8 brazen he is. How thoughtless, uncaring, how
9 selfish he is. And she deserves credit for it.
10 And she has suffered personally tremendously.

11 I asked Alex Stalvey -- when he took the
12 stand, I asked in one of my last questions, would
13 you hire her back? And he paused and looked at me
14 like a deer in the headlights. That's what she
15 lives with, Judge. That's what she lives with
16 every day. The things that people say about her
17 online. People that have 10 cents worth of
18 insight into a million dollar problem think the
19 worst of her and publicly trash her on these
20 blogs. They don't have any idea what they're
21 talking about.

22 I've worked with her for a long time now
23 and I can tell you, she is a good and decent
24 woman, and she deserves credit not shame. Because
25 without her, the people of Greenville would still

1 be suffering under this man. This man right here,
2 who didn't even wait until he took office to start
3 violating his oath.

4 I ask Your Honor to consider this case in
5 isolation. Don't compare him to the guys who
6 break into cars and come through here where you
7 listen to their record and go, well, he's never
8 really had a chance. Some minor record. He's got
9 a disorderly conduct and a public drunk, and this
10 is the first thing he's really done in General
11 Sessions, so I'm going to give him a chance at
12 probation. No, sir. That's not what you have to
13 do with him because he's different. He stands in
14 a different category.

15 He held himself out as an honorable man
16 of integrity. He offered himself up to one of the
17 most important and powerful positions in the
18 county. He placed himself in a position to abuse
19 the trust of other people and then went about
20 abusing it spectacularly.

21 Your Honor has a pen in your hand, that
22 pen is capable of writing up to 365 days in jail.
23 I'm sorry that it's only 365 days in jail, because
24 after what we've presented here, he deserves more
25 than that. But he deserves no less.

1 I'm asking this Court to let the people
2 of South Carolina know that this kind of
3 corruption will be responded to vigorously by the
4 judiciary. The people of South Carolina need to
5 see their public officials held accountable.
6 They're tired, Your Honor. They are tired.

7 You saw me looking through the Bible the
8 other day and I was looking for the Book of
9 Habakkuk, Chapter 1, Verse 1, Verse 1 and 2, "How
10 long, oh, Lord, how long..." I'm sure you're
11 familiar with the verse. It's a famous one.

12 And that's what the people of
13 South Carolina want to know. How long are the
14 public officials are going to offer themselves up
15 for public service, but then render only self
16 service. It's enough. It is enough, and the
17 people are tired and we need to give them some
18 relief. This jury did and I'm asking this Court
19 to.

20 Please sentence this man to one year.

21 Thank you.

22 THE COURT: Thank you, sir.

23 Mr. Wise.

24 MR. WISE: Your Honor, first, I'd like to
25 say that, unlike a lot of cases where the jury

1 comes back with not guilty on one and guilty on
2 another charge, you can decipher from that some
3 idea of what the jury had in mind the conduct was.
4 It's difficult in this case, to say the least.

5 Having said that, I do believe that
6 had -- a lot of the allegations that the State put
7 out that he did -- allege that he did in
8 Charlotte, had the jury truly believed that, we
9 would be looking at a serious 10-year offense.
10 That's the only conclusion I can make from it, to
11 be frank with you. So I think it's fair to say
12 that's not what they found him factually guilty
13 of.

14 I want to take exception to what
15 Solicitor Brackett said. I met Will Lewis for the
16 first time in my life December of last year when
17 he came in my office about representing him. He
18 had been a police officer in Greenwood. I didn't
19 know him when he was a police officer in
20 Greenwood. I think it's probably a credit to the
21 cases he made that nobody ever came and hired me.

22 And I met him and I enjoyed talking to
23 him and enjoyed meeting him. And then I started
24 listening to those tapes after I got into
25 discovery. And I told Will and I told his wife

1 this, I am glad that I didn't meet the Will Lewis
2 that was in those tapes because I don't know if I
3 would have represented him. That is not the
4 Will Lewis I met.

5 I told his wife, and she actually
6 confirms this, I wanted to give back to her, when
7 this is over, the Will Lewis that she married and
8 not the one that got elected sheriff. My parents
9 used to have a saying when I was growing up when
10 somebody gets too big for their britches, I think
11 that's a good description of what happened here.

12 I would like to point out two things that
13 are in contradiction of what Solicitor Brackett
14 said.

15 First, yes, you have a lot of first
16 offenders come before you in General Sessions for
17 stealing, for drug offenses, for burglaries,
18 whatever, and we give them lienency. But in none
19 of those cases did the mere plea or their action,
20 in most cases, cause them to lose a substantial
21 job. In doesn't happen in those cases. This has
22 caused him to lose his job.

23 Now, we also talk about send a message.
24 We need to send a message. This conviction after
25 a jury trial, to me, better than even a guilty

1 plea, sends a message to every elected official in
2 this state who falls under that statute that their
3 conduct while in office truly must be like
4 Caesar's wife, above reproach. You know, no ifs,
5 ands, or buts about it. And I think that's a
6 very, very message that has been sent here in this
7 case. So, yes, a message has been sent before any
8 sentence has been imposed, because everyone one of
9 those elected officials, if they don't live their
10 lives now after this case like Caesar's wife,
11 stand to lose their position, which is a
12 substantial punishment.

13 Also in this case, Your Honor, it is not
14 a case where a police officer, what I would call,
15 truly corrupted the office in this sense. Never
16 was there an allegation that he in any way
17 thwarted the investigation of a serious crime.
18 It's not like some officers who take a bribe and
19 look the other way for a crime, and abuse their
20 office that way. That truly -- that individual
21 truly, truly abuses the power of his office in a
22 manner that is deserving of all condemnation.

23 Mr. Lewis's failing here, and he never
24 denied it on the stand, he's never denied it since
25 the press conference, he had an affair with a

1 subordinate. Never -- no justification for it, no
2 excuse for it, and not going to make an excuse for
3 it. I told him that from the very beginning, that
4 I could not represent him if he wanted me to make
5 an excuse for that. Because we're going to have
6 to -- that's a fact and you're going to have to
7 live with it.

8 So -- and they talk about money being
9 involved, there really and truly -- I don't see
10 where there was a real monetary loss to the county
11 in this case. In the sense that -- his actions.
12 In the sense that the investigation and the audits
13 after it came to light, yes, that's true. But in
14 the sense of what the actual criminal allegations
15 are, I really don't see the financial loss to the
16 county.

17 Yesterday, after we left court, Will
18 basically asked me if I was going to drive back to
19 Greenwood, and I told him I didn't know. He said,
20 we have an extra bedroom. So I went by his house
21 to spend the night last night. It was probably a
22 mistake in this sense. We stayed up way too late
23 talking about this case, about him, and so forth.

24 How does a graduate of Liberty University
25 end up standing before His Honor? How does that

1 happen?

2 And we were talking and he said that, you
3 know, he had a good factual knowledge of religion
4 and conceptually knew about religion that he would
5 compare with anybody. And then he made, what I
6 would consider profound, the comment, basically,
7 though, he's not sure he had the belief of that
8 religion, or at least it left him when he got into
9 this trouble. And there's something to be said
10 for that.

11 He has led a life of exemplary conduct,
12 to be frank with you, except for about five months
13 out of his life, and that's, to me, shocking that
14 he can do that. He doesn't have little petty
15 records of public drunk, or driving under the
16 influence, stuff like that that would not prevent
17 him from running for office. He doesn't have
18 anything.

19 The day the story broke with the suit is
20 probably the highest moment in his career and the
21 lowest moment in his personal life, because the
22 day it broke was the day that he met
23 President Trump at the Greenville/Spartanburg
24 airport dressed in the formal sheriff's uniform.

25 His wife was home looking at the Internet

1 finding the complaint with the tapes, and she
2 listened to all those tapes before he got home.
3 He gets home and she confronts him, and he doesn't
4 deny it. They literally spend the entire evening
5 sitting in their home talking about this
6 situation. To go from that mountain to that pit
7 is pretty traumatic in less than 24 hours.

8 I have told Will that if he were found
9 not guilty on this, I think he would then be a
10 better sheriff than he would have been had it
11 never come to light, because it really did -- I
12 think it did a lot to him. I'm going to talk
13 about that in a minute. He really learned a lot
14 from it.

15 But the other thing I learned last night,
16 Your Honor, in a sense, even though he's standing
17 here before His Honor to be sentenced, he is
18 fortunate beyond belief in this sense. All the
19 children were home last night when we got there
20 and were talking and they were coming around. And
21 the one thing that you see in that family unit is
22 the forgiveness of his wife and his children for
23 his actions. Forgiveness that, easily, one could
24 argue he doesn't deserve. Easily. But they did,
25 and they remain together as a family.

1 And I think if I talked to his wife
2 earlier, and if you had asked her three years ago,
3 if your husband had an affair, would she be beside
4 him, the answer would have been no. I mean,
5 objectively, no. But when it actually came to
6 pass and she had to make the decision, and she'll
7 tell you why, it didn't happen, and she stuck by
8 him.

9 I don't know where his head was for those
10 few months in 2017, and I wish I could. I tried
11 to figure it out last night when we had some
12 conversations, and I don't know if he could ever
13 answer, to be frank with you, but his life is not
14 to be governed by those five or six months.

15 We know we're not as bad as the worse
16 thing we've ever done, and we're not as good as
17 the best thing we've ever done. And when we judge
18 someone, I think we have to judge the product as a
19 whole, not just in a few months.

20 His -- from my conversations with him, he
21 well, well, well understands how his actions put
22 him in this situation, and that he is the only one
23 to blame for it. He can't blame Savannah. He
24 can't blame anything else. It was his decision,
25 and it was a poor, poor decision, to say the

1 least.

2 I disagree with the solicitor that he
3 needs to be sentenced to a year in jail. I
4 disagree, because, as I said earlier, a message
5 has been sent to all elected officials. It's more
6 powerful than a jail sentence, because, if you are
7 not above reproach, you are going to lose your
8 job. And that's a more powerful message than a
9 jail sentence.

10 Secondly, there are, of course, some
11 safety concerns if he goes to prison, and I think
12 that's a factor that should be considered.

13 He has the capability, and things that we
14 did discuss last night, not necessarily in terms
15 of community service, but in terms of things he
16 should be doing regardless of what the Court does
17 to him.

18 He has a church he goes to that ministers
19 to prisoners at Perry Correctional. I encouraged
20 him to get in that regardless of what the Court
21 does, because I think he would have a great
22 rapport with some inmates who could see a sheriff
23 that's fallen by his own bad judgment, and he
24 could be a good influence for them.

25 But I do not see where society gets any

1 additional benefit from this conviction by
2 incarceration than they've already gotten from the
3 conviction. That message is sent statewide. No
4 question about it.

5 His wife has suggested, you know, if the
6 Court sees fit, he could do house arrest even, six
7 months or so, to have some sort of punishment on
8 him to where he couldn't go anywhere.

9 But I think a sentence of probation with
10 community service, and substantial community
11 service, not just, you know, the few hours that
12 the judge gives on a lot of drug cases. I'm
13 talking substantial, hundreds of hours.

14 I'll also point out, as far as I know,
15 this is the only misconduct by a public official
16 case that's ever gone to trial. I don't know of
17 another one. If there's one out there, I haven't
18 found it. Rick Quinn pled a year or so ago to the
19 statutory violation. He was given a year
20 probation and community service. I don't know of
21 anybody who has been sentenced to an active
22 incarceration on this particular offense. And
23 while the solicitor is correct, you don't get --
24 very seldom -- you won't see a second offense for
25 this. I understand that.

1 THE COURT: Jim Harrison.

2 MR. WISE: Excuse me?

3 THE COURT: Jim Harrison.

4 MR. WISE: Jimm Harrison did go to trial,
5 that's correct. I forgot that one. That is on
6 appeal. And he got convicted of both misconduct
7 in office and the statutory violation.

8 THE COURT: That's correct.

9 MR. WISE: So, of course, he pled -- I
10 think he pled -- I can't remember which one he
11 pled to, but he was charged with both originally,
12 at one time.

13 See, I don't see what society gets out of
14 putting him in an incarceration situation that
15 they haven't already gotten through this
16 conviction.

17 I think, His wife would like to address
18 the Court, also.

19 MRS. LEWIS: Thank you, Your Honor.

20 THE COURT: Morning.

21 MRS. LEWIS: Good morning. I met this
22 man 26 years ago in high school. And through the
23 course of last two years, I can honestly say to
24 you that I do not recognize the man that is
25 recorded for two months of life. The man has

1 never shown me anything other than the highest
2 respect. He's supported our family. He's love
3 our children. He's been a great role model.

4 So when people wonder why -- why do we --
5 how does our unit stay, it's because it was built
6 on the rock, Your Honor. And that rock is what
7 held us together. He could have run and left.
8 That would have been the easier thing to do.

9 But he came -- he did come, after I
10 confronted him, obviously, and he broke -- and he
11 confessed and we stayed up the night, and I
12 watched this man transform before my eyes. Almost
13 unrecognizable. I thought I knew him so well.

14 I was ashamed that I did not see. Even
15 when Miss Nabors' mother reached out to me in
16 April, I offered to meet with her, because I was
17 concerned and I took her mother's word seriously,
18 but that offer was never received.

19 So, when I think about the transformation
20 of our marriage -- and I've always run a pretty
21 tight ship. I'm an educator. And in 2015, I was
22 diagnosed with cancer. I run my pretty house
23 pretty well, I would say. I would say that Will
24 has been fortunate in the area of I have run the
25 house and worked outside of the home. But when I

1 was on my back for a year, my home functioned like
2 I was awake and alive and well, and that's because
3 this man showed up. And he, again, just
4 transformed into this new being and I had a whole
5 new adoration for him. Thankfully, I was released
6 from care and I'm cancer free.

7 And, as I said, the tapes, two months out
8 of 27 years that I can honestly say to you, I do
9 not even recognize that person.

10 But I do believe, and I challenge the
11 people in this room with the statement that you
12 cannot change, that is a statement of lack of
13 faith because we are all -- we are all capable of
14 change with the right connection to the right God.

15 This man knew great wisdom. He's always
16 led me very well. Actually, I was a partner of
17 God when I met him. I met God through him. I've
18 always said he was my rescuer as a
19 fourteen-year-old girl. I don't know what path I
20 would have taken. He -- God sent him to rescue
21 me, not really understanding the whole picture,
22 but years and years later, 20 some odd years
23 later, that God would use me to show him and this
24 world what forgiveness looks like. It is not
25 optional for believers.

1 I do not believe that incarcerating this
2 man is going to be, in any way, challenging to the
3 way that I will challenge him.

4 He is the love of my life, and I am very
5 sorry for the behavior that he displayed. It does
6 not make any sense.

7 But I know who the enemy is. The enemy
8 is not this man standing before the Court today.
9 The enemy is much, much greater, and he has the
10 capability of residing in any one of us, if we
11 separate ourselves from the Lord.

12 I appreciate the opportunity to say
13 something, and I appreciate your demeanor through
14 this process.

15 THE COURT: Thank you, ma'am.

16 MR. WISE: Your Honor, I would like to
17 add to what Mrs. Lewis said that she didn't
18 mention. When this broke -- their children are
19 old enough to well know about all this. I think
20 the youngest is how old?

21 MRS LEWIS: Thirteen.

22 MR. WISE: Thirteen to eighteen. They
23 are -- and I don't know to what extent Will was
24 part of this decision, probably not much, to be
25 frank with you, but in her talking to the

1 children, it was truly a family decision to take
2 him back, or let him remain, is the best way to
3 put it, because the children basically -- they
4 recognize their father of early 2017 is not their
5 father for the previous 13 to 18 years. They
6 recognize that. And they made the decision to
7 simply say, we're not going to be a divided
8 family, and that is one of the reasons she's
9 standing here today.

10 So the forgiveness is truly -- if
11 forgiveness were deserved, it wouldn't be
12 forgiveness. So their forgiveness is the reason
13 she's here today, and I think the reason -- and
14 that's the Will Lewis I met in December.

15 MR. LEWIS: I wish she would have gone
16 second, because I don't think I could do it better
17 than she did.

18 First, I'm going to start by saying the
19 woman who stands next to me, I do not deserve. I
20 was told to speak with sincerity, so I'm going to
21 say a few things that probably may not be relevant
22 to this situation.

23 But I don't deserve the love of a woman
24 for the past 26 years after what I did. I don't
25 deserve the opportunity to have my family in tact.

1 I'm not deserving any of that. I'm very thankful
2 that I have it, because I wouldn't have made it
3 through this without it.

4 You know, Laura got up here and spoke for
5 a second, and, you know, the one thing that I'm
6 going to say that's probably pretty accurate is
7 that my integrity is absolutely tarnished. It's
8 in question. I don't know that I -- I don't know
9 that I have any integrity left.

10 But what I do know is that the men and
11 women of the Greenville County Sheriff's Office
12 are all individuals in their own right. And their
13 integrity -- and I said it on the stand, their
14 integrity is still in tact. Each individual
15 person at the Greenville County Sheriff's Office
16 has their own integrity to do what they choose to
17 do with it.

18 My lack of integrity presented challenges
19 that they did not deserve every single day. It
20 presented them with issues and questions that they
21 shouldn't have to answer. I got a call from a
22 couple of guys this morning on the way here, they
23 didn't know if they should come or not, and I told
24 them not to, because I didn't want to put them in
25 such a position that -- politically, they wouldn't

1 have any ramifications for being here. I didn't
2 want to do that.

3 Your Honor, I don't have the words
4 outside of just sheer remorsefulness. I am truly
5 sorry for what I have done that led me to this
6 position.

7 Rauch, kind of, alluded to it a second
8 ago. You know, I had all this knowledge when I
9 went to Liberty. I went to Liberty and I went to
10 all the classes and schools for theology. And
11 during the course of it, I gained a lot of
12 knowledge. And I was warned by one of my
13 professors at Liberty that you would -- don't just
14 gain the knowledge. Practical application is what
15 counts. I think Rauch hit on this a second ago.

16 And it didn't come to me until I realized
17 what I had done that I had no faith. I put my
18 faith in the system. I put my faith in people. I
19 put my faith in an office. But I didn't put my
20 faith in God. I didn't put my faith in my family.

21 I idolized my position as sheriff. That
22 was something I did. And even back further than
23 that, I idolized my position as a law enforcement
24 officer. Over the years, I put my faith in that.
25 And that only has so much fuel. Eventually, it

1 will fail. God doesn't, and we know that. I'm
2 just now starting to realize that, that God
3 doesn't fail, and everything else -- everything
4 else does.

5 My experience has given me an opportunity
6 to -- to view things from a different perspective.
7 One that, as I think Rauch alluded to earlier, I
8 already had been, kind of, thinking of getting
9 into the ministry service in prisons anyway.

10 And it wasn't until Rauch was standing
11 here telling you, even though we talked about it
12 last night, that I realized, you know, that's a
13 great place because I think I can. I've been
14 relatable in my life. Now I need to use my
15 relations for a good purpose. I need to use my
16 knowledge and now my faith for a good purpose. I
17 need to be able to use that.

18 I don't want to sit here and say me, me,
19 me the whole time, but -- because what I've done
20 is very despicable and very regretful.

21 And, Your Honor, I ask that, out of my
22 own mouth, so you hear it come from me, not that
23 that means anything at all, but I ask that you
24 just give me an opportunity to -- for home
25 incarceration so I can try and keep my family

1 together and continue to rebuild my life. Or
2 probation or as much community service as you'd
3 would like to pile on, I'm glad to take it.

4 But I am scared that, if I go to jail, I
5 won't be able to continue to rebuild my family.

6 Thank you for listening, sir.

7 THE COURT: Is that it? Anything
8 further?

9 MR. WISE: Nothing further.

10 THE COURT: All right. Well, Mr. Lewis,
11 you know, when you ran and were successful and
12 eventually took the oath of office, sheriff of
13 Greenville County, whether you knew it at the time
14 or not, although you should have with your law
15 enforcement background, that being the sheriff is
16 not a part-time job. Those of you who labor in
17 the fields of law enforcement know that, 24/7,
18 you're the sheriff.

19 MR. LEWIS: Yes, sir.

20 THE COURT: And you owed that duty to the
21 citizens of Greenville County and your fellow
22 officers.

23 And throughout this trial, of course,
24 there was mention of money and, perhaps, abuse of
25 money, but money is not what you stole from

1 Greenville County.

2 What you stole from the citizens of
3 Greenville County was your time that you invested
4 in this so-called affair, the energy that you
5 invested in this so-called affair. You stole that
6 time and energy, as the sheriff of Greenville
7 County, from the citizens of Greenville County,
8 and your fellow officers. Maybe it wasn't a lot
9 of time, but there seemed, at least, to have -- it
10 seems that you expended an extraordinary amount of
11 time and energy in those five months in dedicating
12 yourself to what the injury said was wrongdoing.

13 And, speaking of time, you've got --
14 you're a young man. Your counsel and the
15 solicitor and I have weathered many years. Like
16 the solicitor, in one sense, I've been on this
17 bench 20 years, and I never had tried a case like
18 this, and I wish I hadn't had to. As you know, I
19 was assigned to do this.

20 But I think that regardless of the
21 sentence, your life is not over. You talk about
22 good things you can do for your family and the
23 community. That's yet to be seen, whether you are
24 sincere or not in those comments.

25 But I do think, in my mind, as I say, the

1 money -- the money is not important. It's the
2 dedication that you owed to the citizens of this
3 county, which, unfortunately, can't be repaid.

4 So my sentence, unfortunately for you, is
5 going to give you a lot of time to think about
6 this, put in perspective your life about family
7 and your community and with your God. I advise
8 you not to squander or waste that time.

9 So, Mr. Lewis, the sentence of the Court
10 is that you be committed to the State Department
11 of Corrections for a period of one year.

12 Good luck to you, sir.

13 (The trial was concluded at 10:54 a.m.)
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CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the ***hearing of the captioned case, relative to appeal, in the **** Family Court for *** County, South Carolina.

I do further certify that I am neither kin, counsel, nor interest to any party hereto.

February 25, 2020



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, II

RECORDING #1 – 07:46 duration

April 18th, 2017, Will Lewis (WL) and Savannah Nabors (SN)

WL: I don't like that. Why would you? I don't know. It doesn't make a whole lot of sense. I mean, It just seems like, I mean I guess later on you'd probably regret it, but I mean, hell, I don't know. I guess if I found somebody decent. They'd have to be totally different than Amy. Totally different than Amy. I mean I'd need a 6 foot tall blonde. You know what I mean?

SN: Why?

WL: Something totally different. I just I don't know. I probably would.

SN: Well don't think that far into it yet. It's not totally...

WL: I've never had a thing for blondes, I dated one, she was crazy as shit.

SN: It's not totally non-repairable, so don't go that far yet.

WL: No, it's not. It's not totally non... Nothing's totally non-repairable. I just I mean, I just think it's probably, uh it's on the horizon. I mean it's just, it's inevitable. I mean my personality, you know, her personality, it's inevitable. It's gonna happen. I mean, and that's okay. I mean, it is what it is. I'll deal with it and push on. I don't know.

SN: That's what I'm doing. Pushing on.

(break in the recording)

WL: Alright.

SN: Well, like I said, sorry you had to bring it over here for no reason, but...

WL: I'm just gonna see how things work out. For now, and see what to decide... I don't want to go if... If I'm going out Friday night, I'm going to get, I'm going home and getting my truck, so. And I'll come by, I think Drew lives over here. I'll come by and pick Drew up, come by and pick you up. I can pick up Ryan because Ryan lives right behind me.

SN: That'd be cool.

WL: So we can just, all ride together or whatever. Or you can drive us all.

SN: No if we're going out I'm having a drink. No, but I don't, I wouldn't have more than like two so I'll be fine. I do not like, I am very adamant about drinking and driving and I wouldn't drink and drive.

WL: Well that's why I'm probably gonna come by and pick you up. Because if we go out, we're gonna have a couple.

SN: I won't have more than like two, but I say that and then I picture all four of us like...yeah!

WL: I don't know about that either. Let's just, we'll just play it by ear. We'll see...we'll talk about it to Drew Friday. We'll see how it goes.

SN: Alright that sounds good.

WL: You wanna go to Reno? You wanna do that?

SN: If I got the chance, yeah. I wanna go anywhere I can go.

WL: We'll have to see as far as the room accommodations and that kind of stuff go, what the county will pay for. Because I mean if...I am fine with it, but if the county is only going to pay for one room are you fine with it, is the question?

SN: I don't see how that's gonna work.

WL: Do what?

SN: I said I don't see how that's gonna work. That's too risky. I feel like if somebody were to find that out that would

SL: Ain't nobody gonna find out because nobody's gonna be out there from South Carolina. I mean nobody's gonna find out. That's the whole point. But again, I mean, I wouldn't do it if it were risky. I mean I'll think through it ahead of time, but ...That's kind of the thing. If you're not comfortable with going with one room...

SN: I mean if they're not gonna pay for two rooms then there ain't no reason for me to go, but

WL: Alright, well then I'm probably not gonna go then.

SN: You don't think they'll pay for two?

WL: I doubt it.

SN: Well

WL: ...but again, that's what I'm saying, that's the kinds of spots I don't want to put you in.

SN: Yeah.

WL: Because I know how you feel about that.

SN: We'll figure it out.

WL: Well I mean really there's no need to figure it out. I mean, there's nothing to figure out. So, I mean I can get, I can get two plane tickets, but I can't, I don't know that they will pay for two rooms, so um

SN: I just feel like that's a really bad idea. And if

WL: Really bad idea for me and you or really bad idea for me?

SN: Really bad for you to for I mean what if the public found that out? I mean that's

WL: I mean they're not gonna

SN: That's what they all say. I'm sure that's what Bill Clinton said too.

WL: Bill Clinton got a blow job in the white house of the oval office

SN: Well, I'm just saying. That's way too risky. I'll go with you if there's two rooms, but I'm not gonna go and share a room with you...like on paper. You know what I mean?

WL: On paper?

SN: Like, I meant like I'm not gonna go and there only be one room and somebody find out we both went. Like

WL: I mean I understand exactly what you're saying. Ain't nobody gonna find out. I mean, it's just not gonna happen, but I mean I get it. I do understand what your concerns are.

SN: Yeah, I just don't think it's a good idea.

WL: Well if I can get two rooms, I'll get two rooms. And we'll see what we can do from there. I just gotta figure out...

SN: Yep, when are you thinking?

WL: Last week in June.

SN: Ok.

WL: You gonna go on vacation while I'm gone?

SN: I'm trying, she wants me and my mom to come on a long weekend in May and I'm trying to talk her into the week of June because I was like Will's gonna be gone that whole week and I could stay all week. So, but I think she's got a wedding that week or something. I don't know. Um. So it just depends. I talked to my mom last night about it at dinner and she said she was gonna look at her schedule and see what she could do and Lauren's gonna look at her stuff and see what she can do, so. We'll figure it out.

WL: Yep that works. Alright, go inside.

SN: Alright, I'll see you in the morning.

WL: Ok

SN: Be careful.

End of Recording

RECORDING #2 – 29:47 duration

April 18th, 2017 Telephone Conversation after Will left Savannah's house

(begins with conversation already in progress)

WL: I understand what you're saying, I do. I mean I get it. I mean you're just looking out for me and I understand that. And I appreciate that.

SN: Ok

WL: Um. I mean, I don't, I don't misperceive it in any way and I understand what you're saying I just, I mean, I know that nothing... I know that there's not... That there is not going to be anything to it. You know what I mean? I...I...I know, but I also understand what you're saying, so I called B and was like hey, I said listen, I said, I was thinking about bringing Savannah out to the conference. He said yeah I figured you probably would. I said the county's not gonna cover two rooms if I bring her out there. He said no, he said so... he said just get... he said see if they got a room, Savannah, get Savannah a room with a double bed. He said and, he said, 'cause my room's already booked. He said and he said, just get one room and he said, you'll be and he said and and he said and you'll be fine. He said you can stay in my room, you know or whatever. He said we'll list it as two... basically he said we'll list it as two rooms. It'll be a comp room plus that room. Does that make sense?

SN: No

WL: Like their business, their business will comp us a room.

SN: Oh ok, alright.

WL: So they're like, on paper we will have two rooms, but we will pay for one. Does that make sense at all?

SN: Yes, yes, yes

WL: Yeah, so we will have two rooms on paper. I will be staying in one room and you will be staying in another room, not that any, excuse me, not that anybody's gonna know it anyway.

SN: Ok

WL: Because there's just gonna be two tickets that go out and of course if you and I get in a big ass fight while we're out there, then, I can stay in Brandon's room. But you know, I mean it's easier, and he's staying away from the conference. He's not staying at the conference hotel which is even better because quite frankly I mean, you know, that's where everybody is anyway.

SN: Ok

WL: So, um but he said it's within it's like a block away from the conference is the hotel he's staying at in Reno. So I mean you know, everything will be straight is what I'm saying. Everything will be straight and squared away.

SN: Ok

WL: But I don't want you to miss out and quite honestly, I won't go out, um, I mean if you're not gonna go then there's really, I mean I love Brandon, but there's no fun to be had in going out there, I mean there's just no fun it.

SN: Got you. No, I mean that sounds, that sounds fun. I just didn't want it to be you know. I just didn't want you to take it the wrong way and I didn't know if when you left you were like frustrated or anything so I just wanted to clear that up.

WL: No I mean, what, I mean did you actually think about it after I left?

SN: Yeah. I just don't want us to go backwards, that's all.

WL: Don't, I understand that, but don't ever tell me anything that you think I want to hear. Tell me the truth.

SN: I know. That's why I told you that tonight. That's why I was like uh I don't think it's a good idea. You know, if I told you what you wanted to hear I'd have been like, yeah let's just do it, but I didn't...

WL: Well, I mean, the possibility...The probability of us staying in the same room is probably pretty high. You do understand that though, right?

SN: Kinda sorta

WL: Ok. Gotcha. That's cool.

SN: What do you mean, that's cool? Don't start acting like this.

WL: Start acting like what, Savannah? You're saying you sorta understand. Here's my question. Alright, my question is this: If we get out there and we've got two rooms, are you, on paper, but if we've got two rooms, but we end up staying in the same room is that comfortable or not comfortable for you?

SN: I mean

WL: I'm gonna go with not comfortable just based on the pause.

SN: I don't think it's a good idea. I don't think it's a good idea.

WL: Ok. Alright. That's cool.

SN: I don't want, I don't want you to get all mad and pissy on me for another two weeks. I'm just saying. I've liked the way things are lately and I want them to stay this way and you do too so let's not move backwards.

WL: Okay, fair enough.

SN: What do you mean?

WL: Fair enough. I mean that's it. I've got my answer. I mean, that's ok. I mean I'm not. I've got my answer. So, that's cool. If Brandon's room will work, if it's not a single bed, he's gonna check on it...If his room's a single bed then we're not, we're not gonna be able to go. So.

SN: Ok.

WL: I mean, so that's it. Because I don't want to put you in an uncomfortable spot. I just I don't want to do that. Because I don't, I just don't want to do that. I don't want to put you in an uncomfortable spot, so...

SN: Ok, well we'll figure it out.

WL: Well I mean that's it. It's figured. I mean, that's it. If it comes back and it's a single bed, I mean, it's not gonna work, so I mean that's, I mean that's as much as figuring out, and he's gonna text me in a minute and let me know. So I mean

SN: I mean, because even then Brandon would be like, wait a second like what do you mean like

WL: No Brandon... I just don't think, you just don't understand that whole thing... I don't think. For us...

SN: Being as close as we are as one thing, but if somebody says the Sheriff and his assistant shared a hotel room, that's like a whole different thing, Will.

WL: I mean, I get, I mean I get what you're saying from your perspective, but to Brandon, first off, Brandon, Brandon would never say anything to anybody ever. Period. Like he would not even mention that you were even there to anybody.

SN: I know, but and you may be right. You may totally be right, but I don't want to take any chances like you are a political figure, whether you want to be or not, and I'm not gonna be the one to screw this up for you, for me, more for you and one person knowing that we shared a room together is like too much.

WL: That...

SN: Does that make sense?

WL: To you it does, yes. Yeah, to you it does. And that's all that matters, I mean to you it makes sense and that's all that matters. So, I mean, that's, that's it. I mean, Savannah, it's-it's simple. If it makes sense to you then that's fine. I mean that's-that's it. So I mean if he's got a double than you know I'll, I can stay with him and we can go. If he doesn't have a double then you know we won't go. I mean that's- it's that easy. This is not a fucking jigsaw puzzle or biophysics

SN: No it's not.

WL: This is simply, it's just simply that if Brandon has a double room and it will be comped to the county then we will have one other room that we can get and that will be your room. And if he doesn't have a double bed then there's, I mean, then there's no, then it's no dice.

SN: OK

WL: I mean it's just you know, it's just that, it's just that simple. I mean I-I-just, you know...but can I explain to you at least why it's making sense to you?

SN: Yes.

WL: And why it would not be different to us?

SN: Yes.

WL: Because, we... like for-for-for us, there's nothing about like If you and I stayed in a room together there is nothing about that that would be odd to Brandon or any other well 90 percent of the other SWAT team members throughout the country because we've-we've-we've all had female partners somewhere along the way, like on the road and dude your female partner, I mean, you would like piss in front of your female partner like, you would change clothes in front of your female partner. She would change clothes in front of you. I mean we've had like two swat team members, well one swat team member, who was a female, Ann Settlemyer, and she was just blazing hot. I mean and she would like literally drop down to her underwear in front of us and change on a swat call. I mean that's like women don't-in law enforcement-don't get offended and If a woman and a guy stayed in the same room, none of us would think that way. Like that's just not how we think. Now Ty is a little bit different with her though process, but Ty is different because of her husband. Prior to being married to Brian, who is uber jealous, she would've never thought twice about it either. I mean I could tell you stories about Tom McConnell and Ty Miller when they were beat partners. I meant that was, Tom and Ty were beat partners for a long time.

SN: I got you.

WL: So, I mean, you know, so, for us, it's not any-it's not anything any different, but...

SN: Except we're not beat partners. Except I'm not a cop.

I get it, but you are to everybody pretty much. I mean you're in the fold.

SN: Yeah,

WL: You know what I'm saying...

SN: Yeah

WL: Like to Brandon and everybody else, I mean, if a State Trooper stopped you that knew me and recognized you and knew who you were, then you would get the same courtesy as every other cop. I mean it just like you, you have those courtesies now, I mean and it's...I know it's a little difficult for you to understand, but you do.

SN: I can see what you're saying, but like do you see my perspective? Like...

WL: No, I-I-I see your perspective and that's why I said it the way I did.

SN: Ok

WL: Because you said does that make sense? I said to you.

SN: Ok

WL: Because to you it does make sense.

SN: And to most of the citizens of Greenville County like Lynn Ballard like that would give them exactly what they wanted. You know what I mean? Like...

WL: Alright. I'm not gonna...that would, that would actually take some looking into for them and quite frankly they would never do that. I mean it, it I mean, you know, Norah doesn't even take time off your schedule when you're out. I mean, there's no, there's no paper trail for any of this. I mean and-and even if you went with me, it's more it's like Ty and I going down to Sheriff's School together. It's more of a-more of a hassle for the two of us to be staying in the same hotel room, same hotel-period, guy-girl from the same agency that know each other than anything else, so we just don't tell people shit. Like Ty will tell you, I'm sure that she will say. The less people know, the better off they are-like people don't need to know

SN: All right

WL: That's why I don't tell people anything. So, I mean, I-I'm-but I'm totally, but again, I'm not trying to... this conversation is not meant to change your mind. This doesn't change anything. I'm just telling you that. Okay how about this? When Shannon went with us to Charlotte. Nobody knows except for Joe, and John and us that Shannon went. Nobody else knows.

SN: I gotcha

WL: But I mean there was nothing there.

SN: Right.

WL: And as far as anybody knows about-about us, there's-there's nothing there. I mean, you know what I'm saying?

SN: Yeah

WL: Like, and Joe-Joe Kernel has more of a reputation as a run-around than anybody. So you know, I mean, we just don't, we don't tell people because it's more of a hassle than it is anything else.

SN: I got you.

WL: So you know, but again. That's just. But, it's whatever you're comfortable with Savannah. I don't, this is what I don't want. I don't want you to be uncomfortable with anything that we're doing, or that I'm doing.

SN: Right

WL: And you know, I just, I don't want that. But uh, but at the same time, I don't want you to be uncomfortable with anything I'm doing, but at the same time, I'm-I'm kinda trying to feel out that-that zone again a little bit because I mean, there is a level there apparently, that you know, so I mean you know I'm trying to kind of feel it out at the same time...

SN: um hum

WL: So you know, I mean, I don't want you to, like, I don't want to say Hey Savannah, do you want to go to Hawaii and you say I'm not gonna turn a trip down to Hawaii, but the only reason you're going is because it's Hawaii. You know what I mean? Like I don't want you to just want to go because of the destination.

SN: Ok...

WL: And that's

SN: Why do you want, I mean...why do you want me to go?

WL: Because you wanna go.

SN: Right.

WL: No, Savannah, I want you to go because, you know, I just want us to be able to roll around in the bed together. Just me and you. Nobody else. I want time away. I want you to myself. And I want us to just be able to sit around and drink on the beach and on company time and just.

SN: I'm just saying.

WL: Yeah, I mean that's, that's I mean, I mean I want you to go because you want to go and not, not just for the destination, you know. Does that make sense at all?

SN: Yes, it does.

WL: I mean I want you to go because you want to go, you're cool with hanging out with me. And, if you're not

SN: I'm definitely cool with hanging out with you and I, yes.

WL: But, I mean if, listen to me, if you're not cool with that, because you know how I am, so if you're not cool with that and you're not comfortable with it then...

SN: What do you mean by you know how I am?

WL: Well I mean, you know how I was in Charlotte, you know how I am. I mean I'll go out, I'll turn a few up. I'll get silly, whatever, but you know that's-I guess what I'm saying is you've seen it all. You know?

SN: um hum

WL: So I mean you know that's what it is. If that's not cool then that's okay, but I need to know that, so when stuff comes up I'm not trying to plan you know for Savannah to go with everybody else because, I mean, make sense at all?"

SN: Yeah.

WL: Am I making any sense here?

SN: Yeah.

WL: So, again that's I think kinda where we get back to the whole, I mean, you got all of me. You know and you've seen it. If that's not comfortable with you, you know, then that's cool, but, you know, I need to know that.

SN: I mean like I just don't understand how you and Meredith can be best friends and have no like, y'all don't have sex or anything. Like y'all don't have an intimate relationship, but y'all are best friends. Like why can't we?

WL: Hang on, hang on, hang on one second-just hand on a second, ok?

SN: Ok

WL: Don't hang up.

Pause

WL: Hey

SN: Hey

WL: Alright. So what did you say about Meredith?

SN: Umm, like I just don't understand why y'all can be best friends without an intimate relationship, but we can't have the relationship that we've had for the past week without like some sort of expectation of sex in Reno, you know what I mean?

WL: That's-I-see, it's not an expectation... and you know I... Now I'm kinda starting to get the whole thing here. So, it's starting to make a little more sense. Alright.

SN: What do you mean?

WL: I understand, I understand what you're saying.

SN: I mean.

WL: There's no expectation of sex.

SN: I mean you just said that I shouldn't want to come just because it's the destination. I should want to come because I want to hang out with you and I know how you get and I know how you are and so I know what's gonna happen. Like that's what you just said.

WL: Not, I didn't say, you know what's gonna happen. I didn't say you know what's gonna happen at all.

SN: Ok.

WL: Yeah, I got you. I'm tracking. I understand. It makes perfect sense, so, I get it. I understand.

SN: What do you mean you understand?

WL: I understand. Now I understand-I understand where you're coming from and I get it and it makes sense so that's cool. Um for the record the reason Meredith and I can remain best friends is because we flirted around with it so much that it never really happened. And we just can. I don't-I don't-I don't know how I can explain it.

SN: So are we going to be able to have the relationship that we have right now? Like ongoing? Like how it's been these past two weeks?

WL: Um. Yeah I mean I guess.

SN: What do you mean you guess?

WL: I mean why would we not? What would be the problem?

SN: Because last time we had this conversation, I came to work the next day and everything had changed.

WL: Hey Pops, you open the garage? Open that garage. Imma put it in there. I'll close it back before I go. (inaudible-other person) ...the pressure washer in there...oh.ok. Unless you want me to put it in there? (other person-Alright), Alright, I'll close it up before I leave. Um no, I mean, I'm...Savanah, I'm fine with whatever you're comfortable, I mean, whatever, however you wanna...however you wanna move forward. I mean whatever you want to do- friendship wise.

SN: I just want things to be exactly how they've been the past two weeks.

WL: Ok.

SN: I think we've been on the same wavelength. We can trust each other. We are working well together. Everything's been great.

WL: Yep, um then-then-then you will probably gonna to be in a position where you we're gonna, we're gonna be fine. You... just, yes. There will be some addendums, amendments to what my original expectations were, I'm not talking about sex.

SN: What are you talking about?

WL: I'm talking about just the relationship in general and the work relationship and everything, but it's fine.

SN: What do you mean by that?

WL: Well I mean they'll be some changes. I mean we'll have to make some changes.

SN: What kind of changes do you have to make? I mean things have been great these past two weeks.

WL: They have been, but I mean it's just future things. Savanah, I'm not gonna take you places with me. I'm; not gonna take you places.

SN: What do you mean by that?

WL: Just what I said. Exactly.

SN: Like you're not going to take me to meetings and stuff or...

WL: No, Savanah. I'll be glad to take you to meetings. That's what your job is. That's what you're there for. I trust you. I don't have any issues with trusting you. And that's --

that's fine. I mean I'm totally totally fine with that, but I mean there are just places that I'm just not gonna take you.

SN: Ok.

WL: And that's just it. So I mean I don't, you know, I don't want it to be uncomfortable. I don't want you to go anywhere. I'd love for you to stay. We're back to that now.

SN: Exactly, I don't want to be back to that. Please don't let us be back to that.

WL: I trust you. I mean.

SN: I trust you.

WL: So there you go.

SN: Ok.

WL: So, but, I mean, that, yeah, we're not, we're not, we're not gonna be able to go places together

SN: ok

WL: ...so, I mean, that's just because I mean if something does happen you know, I mean...

SN: That is totally fine. I'm-I-if that-if that is what you need like that's fine. That's perfectly fine. If you don't, that's fine.

WL: Is that a-is that a mad that's fine?

SN: No, no I'm saying

WL: A disappointed that's fine?

SN: No, that's a-I totally understand. Like, that is perfectly fine.

WL: Ok

SN: If we can still have the relationship we have and be how it's been and the only addendum is that we can't go on trips together then that is totally understandable.

WL: Ok. Alright

SN: Alright, well I'm gonna get in the shower and get everything ready for in the morning and I will...what time did we decide?

WL: Um whatever, listen, you do whatever you need to do in the morning. Um I don't know that we really decided a time, so... You do whatever you have to do and seriously if you don't want to go to this funeral tomorrow if there's-if you wanna just if you wanna knock off for the morning until we get back, I'm okay with that. You don't have to go to the funeral. I mean it's not. I mean, I get that. I mean that's okay. We're you know, it's a little confusing and the way things are, if you don't want to go then that's okay.

SN: What do you mean the way things are?

WL: Just the way things are. I mean it's just. See, here we go... right back down...

SN: What do you mean the way things are?

WL: See that's what I'm talking about. Right back down that road. The way things are. Don't question what I'm saying. We're literally heading right back down that road. You do realize that right?

SN: Yep

WL: I mean, this is, this...Absolutely where we're going.

SN: yep

WL: Fuck. You gotta understand that this, this is not me, that this is not me. I did not start this. You know that. You've got to at least be honest about that. I did not start this.

SN: I don't know how I would've started it, Will. Like.

WL: Ok.

SN: Everything's perfectly freaking fine until...

WL: It is Savannah. Everything is fine. You're absolutely right. Everything is fine.

SN: Then why did you just say you don't have to come in the morning because of the way things are. What do you mean by that?

WL: Savannah, that's my point right there. That's what I'm talking about. That's what put us where we are. Right there.

SN: Well explain yourself so that I don't have to ask.

WL: What I was talking about Savannah was the fact that it is mass chaos and mass confusion. It was 11:00, then it was 11:30 then it was 10:00, then it was now everybody's meeting at 9:00 in the morning to go to this thing. I-you know... We're leaving. It's your question, you asked the question before I left your house-it's two hours ahead of time that we're gonna be... What are we going to do for two hours?

SN: Do you have to leave with everybody else?

WL: Savannah I think it would be very, very wise if I left with everybody else.

SN: Ok, ok

WL: I think it would be really distasteful if I did not ride with the Sheriff's Office

SN: OK, I didn't think of it

WL: ...to this thing.

SN: Ok, ok, you're right.

WL: So you know that's-that's what I'm talking about if that's what you want to know. That's the way things are, that's what I was talking about

SN: Ok

WL: But you immediately jumped

SN: No, I said what do you mean the way things are? Like, I need to know what you meant by that. And then you think I'm talking about something else and then I think I'm talking about something else because you've got me so confused.

WL: Savannah, I'm not trying to confuse you at all. Alright? Are you going to be there in the morning or not?

SN: I don't know.

WL: Ok then there's your answer. If you're not there when we leave. If you're not gonna be there before we go then nobody's really gonna be up in admin because most of us are gonna be gone in the morning so you're welcome to stay...

SN: Jackie and Sally and everybody else are staying.

WL: Exactly. You're welcome to stay up there if you'd like or you can come in later. The choice is completely yours. If you would like for me to do it then I will text you when I'm on my way back from the funeral. If that would be easier for you.

SN: I mean that's fine.

WL: This is not the way that this shit is gonna fuckin happen. It is not gonna work this way. This is not the direction, I will absolutely not assume responsibility for this conversation. I'm not gonna do it. I absolutely fuckin refuse to assume responsibility for this and as far as I'm concerned, if you're there in the morning at 9:00 you're more than welcome to go. If you're not, then that's fine. I'll see you when I get in. Ok?

SN: Alright, sounds good.

WL: Goodnight.

SN: Bye

End of recording

RECORDING #3 – 2:40 duration

April 19, 2017 Will Lewis and Savanah Nabors over telephone:

SN: Hello

WL: What's up?

SN: I'm on my way to my sister's because she needs me. Um, Joel is having some difficulty with his oxygen so

WL: Ok.

SN: I'll be gone for the next few days.

WL: So you're on your way to Florida?

SN: Yeah.

WL: Alright. Alright.

SN: So maybe Ryan or somebody can go with you tonight

WL: Nah, don't worry about it. We're good. I'm not gonna (inaudible)

SN: You'll do what?

WL: I said I'll stop (inaudible) ... So, you know (inaudible)

SN: Ok.

WL: Alright. What's up?

SN: Nothing.

WL: Do what?

SN: I said nothing.

WL: Ok. Alright.

SN: Hold on just a second.

WL: Do what?

SN: I said hold on just a second. My GPS is telling me to do something and I don't know what it's telling me to do. Ok, you there?

WL: Yeah. I'm here.

SN: Ok.

WL: Alright. Well. Um. Just take whatever you need. You want me to check in with you later?

SN: Um. I mean that's up to you.

WL: Ok. Alright. Alright. Well

SN: Well let me know if you need anything.

WL: Ok. Alright. Be careful driving down.

SN: Ok.

WL: Just. Yeah be careful driving down there. Alright?

SN: Alright.

WL: Let me know when you get back. Alright?

SN: Alright.

WL: Alright be careful.

SN: Alright. Bye.

WL: Alright Bye.

End of Recording

RECORDING #4 – 23:23 duration

Date: 4/19/17 Including: Savanah Nabors and Will Lewis

SN: Hello

WL: Hey

SN: Hey

WL: We just pulled up out here at the cemetery. Ryan and drew were in the car with me so. (inaudible)

SN: Do what?

WL: You've been gone for a minute.

SN: Yep, I left at 10:30.

WL: Do you wanna talk at all?

SN: I mean yeah, go ahead.

WL: (inaudible)

SN: No, I mean what is there to say?

WL: Are you coming back?

SN: What do you mean am I coming back?

WL: Are you coming back?

SN: Yeah, what do you mean? You think I'm just taking off and moving to Florida?

WL: No, I didn't mean are you coming back from Florida or not I mean are you coming back to the Sheriff's Office?

SN: I mean I got a lot to think about.

WL: Alright. Alright.

SN: It's just gotten like way out of hand. Like, I...

WL: Ok.

SN: And you're being short and I know that that means you're angry and everything but I don't. I don't know what you want me to say.

WL: Nothing. Nothing. I don't want you to say anything. So. Alright.

SN: What do you mean ok, alright? Like, why do you keep saying that.

WL: Because I'm not gonna push you into a conversation. I mean, you're-you're, you're as irritated, confused and made, as I've ever heard you and I'm sure that you're sister needs you, but you also got up and left this morning for a reason and I understand.

SN: And you're doing the same thing that I did last night that you got so pissed about. Jumping to conclusions.

WL: Ok. Then I'm sorry. That is not my intention. I mean I'm-I'm it-it I just I-I assumed, which may be my fault, that you at any time would've sent me a message this morning that said "Hey something's up, something's bad. I got to go."

SN: Well I knew that you had like the funeral and all that and I didn't want to bother you.

WL: Ok. Ok. Alright well um, whatever decision you need to make is directly up to you, so...um... so...

SN: I mean I just don't know where to go from here, like I don't, I don't know how we're ever gonna work together.

WL: Ok. I understand.

SN: I mean do you feel like that too?

WL: Um, no. That's not my choice, so (inaudible).

SN: I mean we were working totally fine together, it's been great for two weeks and then you ask if I want to share a room together in Reno and all the sudden, like, all shit hits the fan and it's this huge ordeal that I don't want to share a room. Like. That's so crazy.

WL: Savannah, that is... ok.

SN: That's not what happened?

WL: No, it's not, it's not what happened at all.

SN: Well then what did you get so mad about?

WL: Savannah, when I left your house last night I was fine. I didn't have any problems at all. You called me on the phone and said "hey I don't want you to (inaudible) I can honestly (inaudible) Brandon knew that I was gonna stay in the room with him..."

SN: That's not what you said last night. You said you were looking for a double room so that we could put that on paper, but yet you were like "but we're probably still gonna end up in the same room, right?" and when I said no, you freaked out.

WL: No, I did not. I did not freak out. (inaudible) But I did not freak out on you. I think we miscommunicated (inaudible).

SN: You even said that if I don't, if I'm not okay with the way that you are then we can't go on trips together, Will. I mean you're trying to make it out like it's not what it is, but it is what it is. Like you are angry, you are mad. You are upset that you can't work with me, like that's the thing. Like you're trying to make it look like it's not a big deal and I'm just crazy, but I mean that's what happened last night and

WL: That's not what at what happened. I'm not trying to make you angry, but again that's I'm hearing everything that you're saying. I'm (inaudible) everything that you're saying and last night you. (inaudible) I honestly did not, when you called me I did not have any problems at all and when we were going to hang up initially it was you said, I said something about going on trips together is just not what we're gonna do. You said that you were fine with that.

SN: I am fine with that.

WL: (inaudible) I said because of the way things work and you completely misperceived it and went totally off the other end of the conversation back to where we were two weeks ago. Savannah, I'm not, you know, I'm not going to put you in positions (inaudible) I do, but obviously what I'm saying is not what you're hearing.

SN: Well the... what are you saying, Will? Like, I mean what are you saying?

WL: I'm not I don't I'm done with the conversation. I'm not having this conversation and I'm definitely not having it over the phone. And I'm absolutely not having this conversation with you thinking that all want from you is sex.

SN: That's not what I think.

WL: That's exactly what the fuck you said.

SN: I've never said that, Will. And I've literally never said that.

WL: You said, Why can't we be friends and not have sex? That's what you said.

SN: Exactly, because you expect us to share a room together in Reno. So, I mean, those were your expectations.

WL: I gave you the entire dissertation. What? My expectations? Is that what you just said?

SN: Yes.

WL: My expectation is what? (inaudible)

SN: You said the probability of us sharing a room together in Reno is very high. And then when I said that no, that wasn't going to happen, that it was a bad idea that's when it all went downhill. Like.

WL: Ok. I'm not going down this road again. I'm not. I'm definitely not gonna be accused of, I'm not going to be accused of saying something that I never said.

SN: I'm not accusing you of anything.

WL: I'm just not going to let you tell me what I'm thinking and I mean that's not gonna happen. I don't care who you are. That's not gonna happen.

SN: I don't know what that's supposed to mean. Like I don't know why you're talking to me like that. I just don't.

WL: Don't take it any other way then what I said.

SN: I haven't accused you of anything. I'm not telling you I know what you're thinking. I never said that.

WL: You told me that my expectations were what?

SN: You told me that the probability of us sharing a room together in Reno was really high. That means you have expectations of us sharing a room together.

WL: How long was the conversation last night where I explained to you that that doesn't mean anything at all. It means nothing. (inaudible). I also told you that I just don't tell people when people go places with me for a reason. This is harder, if I have to spend more time explaining to you that you are misunderstanding the situation then it's not worth the conversation. I'm not gonna, I'm not gonna, I'm not gonna defend, I'm, I'm just done with it.

SN: Ok.

WL: I really am. I'm finished. I have...there's nothing else. I have spent more time trying to repair, and thinking about how I can repair, our relationship than I have doing my fucking job.

SN: Well then I'll make it easier for you and just not come back.

WL: Ok, so...

SN: I mean if that. If you've spent more time on our relationship than you have your job then that is not a good thing. Like...

WL: What did I say? I've spent more time thinking about how I can repair the relationship, repair it. And it's, and again, I told you if one of us was trying to fake this, it wasn't gonna make it. It wasn't.

SN: Are you saying that I was trying to fake it?

WL: I have no idea. I'm not daring to do that, I'm not daring...

SN: All I said last night was that I have enjoyed the way that we have been friends, working together, we've been on the same wavelength. Everything's been great and then all the sudden like things go downhill again just like they did the night of the campaign when I told you to go home to Amy. Like, it's the same scenario.

WL: No it's not. You're putting all of this together as one thing, you're putting this together as if all I'm looking for from you is sex. That's, that's what you're putting together. What I'm looking for from you is a relationship. That's what I'm looking for. I'm looking for a relationship like we had the last couple days. I thought I had handled it but apparently I didn't and I told you that if one of us were trying to fake it then it wasn't going to work. And that's where we are now.

SN: Where?

WL: And you've made it clear that you're gonna make it easy when you come back and you know where I stand, so if you, if you're intentions are not to come back to work I will give you as many things as I possibly can. If you need money, I'll pay you. I will do whatever I can to make sure that whatever you do next, I transition you into that. I will give you whatever you need. I will write you a letter. I will make phone calls for you. And I will do anything I can to see you are ten times better off than you are today because (inaudible). I care for you deeply (inaudible) in certain ways.

SN: What do you mean?

WL: You said we're on the same wavelength. We're just too much alike and that's just not gonna work. So I'm gonna tell you what, I'm not sure when you're coming back. Stay gone as long as you need to, but when you come back, you need to let me know.

SN: What do you mean?

WL: Exactly what I just said. When you come back you need to let me know.

SN: Let you know what?

WL: Savannah let me know, what do you think let me know? You need to let me know whether or not you're going to continue to work here or you're not. Because if you're not, I'm gonna start looking. Because right now, at this exact moment, I'm gonna start looking because I don't think you're coming back.

SN: Can we, I mean can we work together? Can we?

WL: That's out of my hands. I've made it clear. I cannot, I cannot make it any more clear than what I'm saying. My expectations are a friendship. A strong friendship and that we can work together. You're misperception of something, and I'm not calling you crazy, I'm not saying anything, I'm not even trying to flip this around on you. I don't do that. I don't flip shit around on people. I am accept and assume responsibility for my actions. I know when I fuck up and when I don't. Because I'm gonna tell you flat out, this conversation from last night and today, it doesn't have shit to do with me. It has everything to do with you. Whether or not you wanna accept that or not is irrelevant. I'm telling you that I have zero expectations. None. The only part of this conversation that hurt my feelings from last night to today, was how quickly, was how quickly when I said, well maybe we just don't need to go places together, was how quickly you popped off and

said, I'm fine with that. That bothered me, but I can't do anything about that. I have no expectations Savannah. None.

SN: Like do you see what you're doing here? I mean, like, you just said that bothered you when I said, That's perfectly fine if you don't want to take me on any trips, that's perfectly fine. Like if you can't handle going on a trip with me without sharing a room together...

WL: That's what you're thinking. That... it's not always gonna be that way. It's not always gonna be that way. I thought I'd (inaudible) the opportunity (inaudible). Another option was that Brandon and I come to that room and stay and you go in Brandon's room and stay.

SN: That's not what you said last night.

WL: Savannah, there are a thousand fuckin options.

SN: That's not what you said though. You said that Brandon wasn't even gonna stay there and that we can just stay together and when I said that that was not a good idea, that's when you started your, on your rant. Like you can't take me places and...

WL: Savannah, I started on my rant when you gave me the impression that all I wanted from you was sex. When you asked me the question, you and Meredith can be friends and not have sex, why can't we? There's a whole different level of relationship there. I don't expect anything from you. That's fucking. That's bullshit. And you don't even consider that. And that's also why I'm done with this conversation.

SN: Ok. We'll just end it whenever you want to end it. I mean that's fine. It's all about Will. So, you know.

WL: Don't put this off on me.

SN: Don't put it off on me. You sat there, the last thing you said last night was you're not taking responsibility for this conversation.

WL: And that's exactly right because I didn't put us here.

SN: You didn't?

WL: No, Savannah. I didn't.

SN: Okay, alright. Well then I'm done with this conversation. I'm not gonna be accused of putting us here. That's for sure.

WL: Well I didn't start the argument. I mean.

SN: Yes you did. I said, What do you mean, the way things are, and then you flipped out and said Oh my God, they're going back to the way things are because you're assuming that I'm assuming that you're assuming like...

WL: That's exactly what happened Savannah. The way that you asked me that question. Whether you intended to or not there was an undertone in what you asked me.

SN: Okay, but you're the one that started the fight by saying that things were going back. All you had to say was, No, I didn't mean it like that. I meant like the funeral, the way things are. And we could've continued on with the conversation, but...

WL: Whatever, I don't know what to say.

SN: You don't have to say anything, Will.

WL: Ok.

SN: I mean, this is getting insane, like this is getting insane.

WL: Yep. You're right. It is. But I mean again, I don't know what to say. You know, I'm done. Yeah, I get it. I guess I'm just....you know, okay, I'll accept responsibility for the conversation.

SN: I'm not asking you to accept responsibility for the conversation. I'm just saying, don't put it off on me.

WL: I mean I'm trying not to put it off on me, so apparently there's a third party involved.

SN: Ok.

WL: And, and I don't know what to say. I mean that's lunacy.... and-and-and the pure definition of stupidity is forgetting our conversation to argue (inaudible) responsibility. So with that, I can't, I mean there's nothing. I can't accept responsibility for that. I can't. I mean you can (inaudible) and you're not either so there's just that's it. I don't know what else to say. Um, I guess I should, I mean, so do I need to start looking for someone else now?

SN: I mean, can we work together or can we not? That's my question.

WL: I can't answer that. I can't answer that. Because I don't know

SN: Well then I can't answer your question.

WL: There are obviously way too many factors that play I (inaudible), so I mean I can't that's just, you know, if I can find you somewhere else to go, I can. Is there somewhere else that I can find for you to go? Is there anything else that you'd like to do?

SN: No.

WL: Besides working for me? Which obviously you don't want to do that. So.

SN: That's not what I said.

WL: Well, it's pretty clear, so.

SN: See, how can it be ok for me to, how can it be okay for you to jump to conclusions, but when I start jumping to conclusions, I'm just bat shit crazy and I've developed these...

WL: I never called you bat shit crazy, Savannah. I've never called you that.

SN: Ok.

WL: I never said that. I would not disrespect you like that. I wouldn't do it.

SN: Ok, but you're sitting there saying it's pretty clear that I don't want to work for you. Like how do you know what I'm thinking? Like, you just accused me.

WL: Because you said it a minute ago. I said, Do I need to start looking for someone else? and your response was (inaudible).

SN: My response was what?

WL: I asked you if were gonna come back (inaudible), you know back to the Sheriff's Office and you said, I don't know. I have a lot of things to think about. I'm not gonna continue with the conversation. I'm just ending it. Right now, I'm just...I'm done telling you that you're irreplaceable. I'm done telling you that. (Inaudible) well the guys are at the funeral, piling out of the funeral (inaudible). If you want me to call you later (inaudible) but if not (inaudible).

SN: You can call me later.

End of Recording

RECORDING #5 – 30: 16 duration

Date: 4/19/17 Including: Savannah Nabors and Will Lewis

WL: Alright. Well, um, I'm a go into.... Whenever he gets here, but, I mean, he's not here, so I'll talk to him when he gets here, I mean, it can wait but um, he's not here, so anyhow

SN: Ok.

WL: ...let's finish this conversation one way or another.

SN: Ok

WL: So, I don't know where we left off when everyone was walking back. What was the last thing we said, do you remember?

SN: Um. No. I don't, honestly.

WL: Ok.

SN: I mean I don't remember. I'm ...

WL: Alright. Well you know, I'm calling you back to finish this conversation. You don't seem interested, so I guess we're finished.

SN: Ok. Well, I'm, it's not that I'm not interested in it. I just don't know what to say, so start the conversation. What do you want to talk about? What do you want me to say?

WL: (Inaudible)

SN: Do what?

WL: There may be nothing left to talk about, I mean, honestly, so I mean maybe not. That may be it. I just I but, I cut it short because we were uh because everyone was walking back. Or I thought I did. Maybe we were done with the conversation.

SN: What did you tell Ryan and Drew when you got off the phone with me earlier?

WL: That you were on your way to Florida to take care of your brother in-law with your sister. Same thing that Jackie told me as soon as I walked in the door.

SN: Ok.

WL: So, I mean it's, that's it – why?

SN: I was just wondering. I just didn't want you to, like I didn't know if you were mad or what and I didn't want you to I don't know.

WL: Didn't want me to what?

SN: Tell them like that you were frustrated with me and I just took off to Florida or something like that. I don't know.

WL: Ok. Well what do you want me to tell them? Exactly what I said? Because people are gonna ask. What do you want me to say?

SN: Yeah, I mean yeah, he's Joel's having, he's having low oxygen levels. They're having to put him on a breathing machine and I'm going down here to be here with my sister. Like, that's the honest truth.

WL: Well I mean you know I just I don't know, I don't know where we are, where we stand. And I'm... So I don't know where to go with this. I have no idea. I mean honestly, I don't know. I guess that's it. There is nothing left to talk about.

SN: Ok. I mean, if there's nothing left to talk about, that's fine. I don't know where we stand either.

WL: OK. Alright. Well um, be careful...I guess.

SN: You guess? You want me to be careful, you guess? Ok, now I guess I do know where we stand.

WL: See that's the kind of shit I'm talking about right there. That's what I'm talking about. That's what started everything last night. That. Be careful I guess means be careful...I guess that's it. That's the end of the conversation. Not Be careful I guess. I mean I'm not gonna, I'm not gonna beg you to understand the way that I'm, that I want you to be okay, that I want you to be safe. I'm not gonna... If you don't understand or appreciate that by now I can never make you understand that. I mean I can't and I mean I'm not. I'm really not gonna try to make you understand it anymore and I mean, I've said what I have to say either you accept it or you don't. And that's it. So, I mean you know, so and I don't want to have to watch what I say around you and that's what I feel like I have to get back to. Like last night, that's what I'm talking about. That's where things went south, at that point of the conversation. Nothing was south, for me, before that. Nothing. It was, the conversation was fine to that point and as soon as you did that, that's when it turned and went south. So I mean whatever, however...

SN: As soon as I did what exactly?

WL: Savannah, I've already told you, as soon as you made the comment about what do you mean the way things are talking about the funeral. As soon as we got to that point in the conversation, as soon as you said that, it was your tone, your demeanor, everything that I realized that we were going right back down the road we were before and that's when it turned for me.

SN: Well I'm sorry that you didn't like my tone when I was asking a question. Like I don't know what you want me to say to that. I'm sorry that I used the wrong tone. I'm sorry.

WL: Savannah, how about just admit that when you said what you said you had something else in mind when you said it?

SN: You literally said you don't have to come in the morning if you don't want to because of the way things are and I literally said "what do you mean the way things are and then..."

WL: How quickly did you say it? You said it immediately, not giving me the opportunity to even say anything else.

SN: You were done talking, like...

WL: No I wasn't Savannah. I wasn't done talking.

SN: Ok, well, I'm sorry.

WL: So, I mean you know. You asked me a question the other day, do you need to work on your sincerity? Yeah, you do. Because you're not sorry, you're not the least bit sorry. You know, I will, with all my faults, and God knows, I have a ton of them, and unfortunately you know about every one of them. It's right now, you're-you just will not admit any fault that you have. But you told me a long time ago that that's that whole "wall" thing with you.

SN: What? I mean I just don't understand what fault I'm supposed to be admitting to, like...I don't know what you want me to say. I'm sorry that I used the wrong tone with you. I'm sorry.

WL: That's not it.

SN: Ok, well, then what

WL: That's not it. You're completely misperceiving this conversation.

SN: Oh my God. Like then I don't know how to perceive it. I give up on trying to perceive it 'cause I just don't know. I don't know how else I can perceive it. I've perceived it every way possible

WL: No you haven't. Take it for what it's worth. How about just hear what I say and stop trying to read into it?

SN: OK.

WL: Because I'm pretty much easy to read. I mean when I say it, that's what I mean. So, you know, I'm not trying to I wasn't trying to start a fight. And quite honestly, I didn't start a fight.

SN: Ok.

WL: Ok. Alright. This conversation is going zero. I am literally running circles.

SN: Because I'm not agreeing with you.

WL: No, because, no Savannah that's not it at all. Ok. Alright. Well um. What do you want me to do? Do you want me to give you a few days to decide what you wanna do or how do you wanna do it? I mean what, you know, what do you want to do?

SN: I mean yeah I'm gonna go down here and take care of my sister and Joel and when I get back I guess I'll let you know. Um...

WL: Ok. Alright. Well are you gonna let me know with time or are you gonna just gonna, just gonna kinda give me a heads up and be like, "I'm gonna go somewhere else or I'm gonna start looking somewhere else"?

SN: I have no idea. I mean.

WL: Ok. That's cool. Yeah. That's cool. I'm gonna I'm gonna, I can't leave your spot vacant. It has to be filled.

SN: Yeah, you're right.

WL: Do what?

SN: I said, yeah you're right.

WL: I mean I can't leave it vacant. It's gonna have to be filled and it's gonna take me a long time to fill that spot and I have to do it quietly.

SN: Yeah.

WL: So. Um. So. Ok. Well I don't even know where to start looking.

SN: Neither do I.

WL: Alright. So we're.

Sn: I'm in the same boat. Like I don't know what I'm supposed to do right now, like I love my job, I love the Sheriff's Office, and I literally like, we can't work together because for some reason like you can't treat me the same when treat me the same as you treat Meredith, or treat me the same as you treat Jackie or treat me the same as you treat anybody else. Like it has to be different. If I'm not gonna go along with everything you say then I'm just gonna be treated totally different. Like it just sucks. It sucks.

WL: Yeah I mean I'm really sorry that you feel that way. I really am, that was not my intention and that is not my intention now. I'm very sorry you feel that way. I truly am. I mean, there's nothing I can do about it. And at this point there's no, there's no repairing this relationship. I mean it's not, I mean I think, I mean, I just, are you, do you agree with that? Would you say that's probably fair?

SN: I don't know.

WL: Yeah. I mean I think you probably, I think you do know, you just out of courtesousness you don't wanna say "yeah" but again I think that. I don't know that for a fact, so...um you know, and it's really unfortunate because if I made you feel that way that was absolutely not my intention, I, in no way, wanted you to feel that way. In no way. Because I mean it's actually it's actually just the opposite. I mean, it's more. It's- it was a different relationship. I feel like I don't treat you the same way that I treat any one of those because it's just not the same. You know, it's not the same relationship and I mean you know I could put you on an 8: 30 to 5 Monday through Friday, but you'd hate that. I mean you would hate that. 8:30 to 5 Monday through Friday, being here at the office. I mean you would absolutely hate that, I'm sure.

SN: Yeah, I'm not doing that.

WL: Yep. So I mean, you know, that's kinda, so that's kinda...

SN: I mean everybody in the world, everybody at the Greenville County Sheriff's Office would be like ok what is going on? Savanah is now in the office all the time? Like her role has completely changed? I mean what would be my purpose? That's what Jackie does. Like, what would be my purpose anymore? I'm not gonna have you employ me just to employ me. That's ridiculous.

WL: Well I'm not gonna just employ you just to employ you.

SN: Well then what would be my role, Will?

WL: I mean, you know, I don't know.

SN: Exactly. If you can't articulate a place to put somebody then you don't need to have them there.

WL: Ok. Yep.

SN: That doesn't make any sense for me and Jackie to be in the office doing the exact same things. That just doesn't make any sense.

WL: Yeah, that's cool. I got you.

SN: And like you said, you're going to have to fill that role. Somebody has to be out there with you doing the things that I've done, and scheduling, and going to meetings and making sure that you're, you know, I mean that's a position you have to be on the same page.

WL: Yep.

SN: From meeting to meeting, I could always tell you ok-nope-remember the last meeting we had was this and no we talked about this instead. And I can't do that from the office.

WL: And yeah I mean, I can't, that's what I'm talking about. I mean you're role is, I mean, you can't be replaced. I mean you can't but I'm gonna have to do what I can I guess. I mean I gotta find something, you know? So.

SN: I mean, yeah, I mean if I'm gonna come into work on Monday and things are gonna be exactly like the way they are right now and we're just gonna be angry and bitter at each other and I mean, there's no way we can work like that.

WL: I work angry and bitter every day.

SN: Do what?

WL: I said I work angry and bitter every day.

SN: Not with me you don't.

WL: No, I don't. Um. Yeah I mean that's cool and I get it. I mean, again, it's-it's uh you know, I mean you've been pretty clear I mean about that part of it. If you're thinking about not coming back, and you were pretty clear a minute ago when you said what you said, you know "I love my job. I love the Sheriff's Office. Um. But I mean you were very clear right then about the biggest problem it's just that you have is me and that's it.

SN: The biggest problem I have is when things aren't going your way you start treating me differently.

WL: That's just, I'm sorry, Savannah. That's just not right. I'm sorry. I hate it that you feel that way. I really do, but if that what makes you think, if that's what you think and that's what makes you feel. If I can't, if I can't change your mind about that, if nothing, and I'm not gonna try to, to be honest. I'm tired. I really am. I mean like I told you earlier, I've spent more time thinking about repairing this relationship, this friendship, more than anything and I just I can't do it anymore because everything I do is wrong in one way or another. And I'm just not gonna, you know, I mean I can't. I just can't do it. So. I mean I'm, as much as, as much as, as much as it would absolutely destroy me. I mean it really would, I told you, and I mean it, I mean what I say, I would trade any one of my command staff members, all of my command staff members, for you. And I would do it in a heartbeat, but if you and I can't work together then there's no need. You know. I've got to find somebody to fill that role. So.

SN: I understand.

WL: So. I mean

SN: I understand that.

WL: So I mean that's just it. And I just don't know that, I don't know that how you feel enough to know, you know. I mean, I just don't. And I think. I'm gonna tell you the flat out truth. The hardest part for me is uh losing a friend. That's it. That's the hardest part for me.

SN: Yeah. I mean. I'm devastated about the whole situation.

WL: Yeah, but your devastation comes with the job.

SN: I don't understand what that's supposed to mean.

WL: Exactly what I said, your devastation comes with the job. So.

SN: No it doesn't. I mean I've lost a friend, too, Will.

WL: So. Alright.

SN: I mean, I...

WL: Ok. Well for what it's worth um you know, I mean, if I did something wrong, if I said something wrong in the whole process of last night and today, you know I'm if, whatever it is, if I'm truly wrong for what I said um, you know, I'm sorry.

SN: If you're truly wrong for what you said, you're sorry?

WL: Yeah, I mean if I'm truly wrong for what I said, I'm sorry.

SN: Me too, if I'm truly wrong for anything I said, then I'm sorry.

WL: I mean that's all I can say. I mean that was, again. I mean you question my apologies.

SN: Because that was the craziest apology I've ever heard. Like "If I'm truly wrong, I'm not admitting that I'm wrong, so I'm just saying sorry for no reason because *if* I'm wrong then I'm sorry, but I don't know if-if I'm wrong or not." How is that? I mean, that's the stupidest apology I've ever heard.

WL: Ok. Alright. Alright, well I appreciate it, so. Well just let me know.

SN: Would you not take that the same way?

WL: I'm done.

SN: ok

WL: I'm finished.

SN: Alright.

WL: So...

SN: Well then I guess that gives you your answer.

WL: No, it doesn't give me my answer. I would appreciate it if you could give me one, so.

SN: You just said you were done, and you were finished, Will. Like, how? What am I supposed to do with that? I'm supposed to just like force myself to be there and force you to work with me? Like, that's crazy.

WL: No. I'm done and finished with the conversation. That's what that meant Savannah. As far as the conversation.

SN: You've said everything you need to say?

WL: Really? Is that a question or a statement?

SN: A question.

WL: No I've got a lot that I'd like to say.

SN: Well then say it.

WL: I'm not gonna fight you to have a conversation.

SN: You don't have to fight me to have a conversation

WL: Yeah I do and that's what I feel like I'm doing, is fighting to have a conversation and I'm just not gonna do that.

SN: Tell me what you want to, ask me a question. Tell me what's on your mind. I'm not.

WL: I'm done. I'm done.

SN: Ok, well then be done. Whatever.

WL: I'm done with asking questions. I'm done with telling you what's on my mind.

SN: Ok, well then expect me to make this decision based off of the conversation we just had, not based off of what's on your mind and the things that you have to tell me because I can't read your mind, I can't.

WL: Ok well what do you want me to say? Right now, what would I need to say? What is it that I would need to tell you?

SN: I don't know what you're asking.

WL: Exactly that, what do I need to say?

SN: For what?

WL: For, what is the question-what is the use-you're telling me that you're going to make a decision based on the conversation that we just had and I mean that's you're basically giving me ultimatums.

SN: No, absolutely not. That's not what I'm doing.

WL: And that's-that's just not.

SN: That's not what I'm doing.

WL: But again, I mean what am I supposed to tell you? What am I supposed to say to you? I've said everything I'm gonna say as far as you being here or you not being here. I have a position that I need to fill. I am of the impression that you are considering not coming back and based on that I need to start looking for somebody. That's where I am right now.

SN: Ok, well then it doesn't sound like I'm too irreplaceable, like I don't know what else you want me to say. Like if you want to look for somebody else then look for somebody else.

WL: See and that's, now, you don't see where that comment is completely fucked up with you? You don't see where you made the most fucked up comment ever?

SN: Oh I did?

WL: You don't, you don't understand what you just said?

SN: No I don't obviously, not the same way you do.

WL: You just said, obviously I'm not that irreplaceable, and we just had a conversation and how many times have I told you?

SN: You said the spot needs to be filled.

WL: It does.

SN: And that you're gonna start looking for someone else, so that means...

WL: You agreed. That's what I'm talking about. I can't argue with that. I mean how am I, what am I supposed to say to that? How am I supposed to argue with that? Your, I just told you. You just take... You want me to talk to you? Really talk to you?

SN: Yes.

WL: Is that what you want me to do?

SN: Yes.

WL: Ok. I'm going to tell you exactly what you don't want to hear, alright? You take one fucking line out of a conversation, and you take it and twist it to fit whatever the hell it is that you want to say or however you wanna pull something out and when somebody rationalizes something in the course of a conversation with you and you have no defense to it, you pick out one line and you use that line against that person and that's exactly what you've done to me for the last two fuckin days and I am not going to sit here and listen to you pull one line out of a conversation and try to take that line and twist it to fit whatever you wanna do. If you want to leave, if you want to quit, if you don't think that we can work together anymore, for whatever reason you don't think we can work together

anymore, whether it's truly perceived, whether it's honest, or whether it is something made up in your mind-any of those options, you can choose...hang on one second. Hang on a minute.

SN: Alright.

PAUSE

WL: So whatever it is that you-however you want to perceive this, however you want to use this, if you if you, that is up to you. You're going to make your decision based on what you want to make your decision on, not what I say. I've told you how I feel and what your capabilities are and I know what you can do. I've told you that what you've done is completely misperceive that conversation last night. There's nothing about the conversation that relied upon anything dealing with our relationship. Nothing. And you took it to a whole different level when you started questioning things last night and you called me because you were concerned that you may have said something or done something that pissed me off and it did not. Nothing that you said when I left your house pissed me off. Nothing. And that's it. Now what you choose to take from that is completely up to you, but I'm truly honestly, Savannah, I'll end it with this...alright?

SN: Ok.

WL: It is hard to replace you. I can't. We are good friends. Well I think we are good friends. I thought we were good friends. We may still be good friends. Whatever. I don't know where we are, but I am telling you that if you are not going to come back, I have to start looking for someone to replace you, to fill your position, not replace you. Is that better? That's what I need to do. I have to find someone who can at least fill those certain gaps and it won't have all the extra added bonuses of Savannah, I get that. I understand that. I can't replace that, but I'm not gonna let this interfere. It hurts my feelings. I'm really bothered by it. I'm concerned about it. I'm damn near heartbroke because I'm losing a friend in the process because if you leave this place, we're not talking again. You know that just like I do. If we end it like this it's done...so

SN: Are you trying to give me an ultimatum? I mean that sounded like a...

WL: Nope. No, I'm just telling you-'m just telling you the truth. It's the reality of it. You think if you walk out like this, if you come back on Monday and you turn your shit in, do you think we're gonna continue to have conversations after this?

SN: I guess not.

WL: Honestly? Would you want to have conversations with me? What kind of a relationship would you want to have with me at that point if we end it like this? You wouldn't. So. On that, if you would like for me to call you back in a minute...after I get done with this meeting and have a conversation with you I'll be glad to.

SN: That's fine.

WL: That's what I'm talking about. Is it fine?

SN: If you have more to say, I want to hear it.

WL: Do you have anything to say at all?

SN: I've been talking too.

WL: How about answering the question. Do you have anything to say at all?

SN: I mean, I feel like I've said what I needed to say.

WL: Okay, well then I'm not...It's not a conversation, it's just me talking, so that's it.

SN: I'd be more than happy to have a conversation with you if you have questions for me or you want to talk, like I'm talking to you. I don't know what else you want me to say to that.

WL: Alright. Okay. Well just let me know what your decision is.

SN: Alright.

WL: Alright. I hope everything works out with your brother in-law.

SN: Alright.

WL: I'll see ya.

SN: Bye.

End of Recording

RECORDING #6 – 59:29 duration

Date: 4/19/17, Including: Savanah Nabors and Will Lewis

SN: Are you there?

WL: Yeah.

SN: Sorry, I had to go outside. I just got here like 15 minutes ago.

WL: Ok. Well I mean I'm not gonna keep you. I just wanted to see if there was anything else we needed to discuss. I was very confused at the end of the conversation, so...

SN: What were you...

WL: I didn't know if I was supposed to call you back or not.

SN: I mean you said that you had more to say.

WL: No. I think you asked me if I had anything else to say and I said I've got a lot to say, but I mean that was and I think I pretty much ended what I had to say after I said that. So, I mean that's-I mean, that's pretty much it. You know if it boils, I mean, ultimately, I guess what this boils down to is this repairable? Because if it's not repairable than it's not worth you coming back. Ultimately. I guess is the answer.

SN: I don't think that you're going to be able to get past it. Like, last time it took two weeks for us to get past this and then after last night...I just

WL: Yeah, I just don't... yeah, I get you. I understand. I'm not gonna argue anymore with the fact that last night. I just don't think you understand. I think you believe that I think something totally different.

SN: What do you mean?

WL: You seem to think that I have some, my opinion is based on your conversation thus far, you seem to think that I've got some type of something and I can't work with you without thinking some other direction or without assuming that there's gonna be sex involved in our relationship. I think that's what you believe.

SN: Well I mean every time things start gong alright again, it's like, you want to bring up going out of town or something like that, and I was fine with going to Reno, I just explained to you that we needed separate rooms and you got like offended by it.

WL: No, Savanah, I did not get offended by that. That's, again, you've said that like three times. I did not get bothered, that did not bother me.

SN: Then why did you say, okay that's fine, I'll just never be able to take you places?

WL: Because that was...you're taking two parts of the conversation and you're taking two different conversations, you're taking a conversation that happened on one time and taking two different parts of the conversation and smashing them together. Um.

SN: Okay well what did you mean by that? Like, what did you mean by if I don't-since I know how you are after you have a few drinks, if I don't feel comfortable sharing a room with you then you'll just-you just can't take me places anymore. Like, what else is that supposed to mean? How am I misinterpreting that?

WL: Alright say that again. I was texting and you know I can't text and talk at the same time.

SN: Like you said, um you were like-you know how I am when we are out of town and I've had a few drinks. So if you're not comfortable with that then I just can't take you places.

WL: That is not what the fuck I said. I said both of those things, but not back to back like that. That's what I'm talking about. You take a story, a comment, or two different parts of a conversation and smash them together to make whatever fits your thought process or whatever you're believing or what you can use to substantiate your thought process

SN: Wow

WL: That is not what I did not say those two things back to back.

SN: I don't understand. I mean that is what you said, I-like-it's what you said -if you're not comfortable with that then I can't take you places. That's what you said. I remembered it because I was devastated by it like...

WL: If I remember correctly, the way the conversation went before I was fuming mad because I am pretty certain that I would not make those comments back to back because that would lead you to believe that my whole intention of taking you out of town was for the purpose of something totally different and that is not my purpose. That is not what I meant. That is not how I meant anything.

SN: Ok, well what is your purpose for taking me out of town?

WL: Because, the whole purpose of taking you out of town was to let you go places to enjoy that part of the job, to go places, to see things to travel with me, to earn it.

SN: You specifically said-you specifically said I don't want you to want to go somewhere just for the destination. And now you're telling me that...

WL: That's exactly-That's exactly-you're exactly right. That's exactly what I said. I don't want you to go somewhere just because it's just because of the destination. I want you to go because you want to go. That's what I want. I don't want you to, I don't go, I don't pick places to go because of what it is. I pick places to go because of who's going with me. Friends, or whatever are going with me. Or what the-who all is gonna be there. I mean I would go to a shit shoveling school in Albuquerque, New Mexico if I thought it was, if there

were some friends that were gonna be there and we got to hang and out and it was gonna be fun.

SN: Right.

WL: That's what I mean when I say that.

SN: Exactly, which leads me right back to the same conversation we had last night. I was like "Oh well no, I would want to go to Reno" and you were like "Well you know how I get after you know...Like, am I crazy, Will? Am I just making this stuff up in my head? Like what's going on?"

WL: No, Savannah, you know what, I don't know if you're crazy or not. I can't answer that question but what I can tell you is that somewhere in the midst of all this, you said we're on the same wavelength...

SN: We have been.

WL: But obviously we're not.

SN: As of last night, no we're not. Like I don't understand it. I don't get it. You immediately started getting defensive. Like it was right back to square one like.

WL: And you didn't have anything to do with that? You don't think, ok. You didn't have, none of that, you didn't like, you didn't like blast off and totally misperceive a portion of the conversation last night, did you?

SN: No. I did not blast off at all. Not one time. No.

WL: You didn't call me to say that? I didn't want you to take anything that I said wrong?"

SN: Yeah, is that...would you call that blasting off?

WL: No, that's a whole other part of it. No, No...You blasted off at the end of the conversation.

SN: No I didn't, Will. No I didn't.

WL: When I said, Savannah, don't worry about going in the morning if you don't want to because of the way things are

SN: Ok, after we just had that whole conversation and everything got awkward and then you say because of the way things are

WL: What did it get awkward with? I was having a regular conversation. That's my point. I wasn't having an awkward conversation at that point. Like I was just trying to be open and truthful and explain everything and give you the whole parameters, possibilities of what could and couldn't happen, what might and might not happen. What you may have to deal with and may not have to deal with. That's not awkward for me. That's people, that's true friendship...people talking and explaining things to each other. The whole "I'm

not gonna let you walk into a pitfall because I want you to understand." Because the last thing I want is to end up in Reno with you and flying off the fuckin' handle about something or me flying off the handle about something because there was some miscommunication or misperception of the way things were gonna be or anything. That was it. There was nothing about that conversation awkward until you jumped off and were like "what do you mean the way things are?" At that point in your voice, whether you want to admit it or not, it doesn't change the fact that you totally misperceived what I said and completely took it, and I said "that's what I'm talking about" that was what I was talking about when you were sitting in the corner chair of this office and we were having a conversation and I thought we got everything straightened out. That's what you were doing before that. And you agreed to that. You admitted to that.

SN: I told you, I told you on my drive here that, I mean, I said I asked you what, um, you know, are you talking about the way things are because you had not even talked, we had not even talked about the funeral and all of a sudden you're like you don't have to come because of the way things are? How else would I have perceived that? Like I don't.

WL: Savannah, that was my closing statement. I had moved past the conversation that we had.

SN: How was I supposed to read your mind? I didn't know that, like I cannot read your mind.

WL: That... but we're on the same wavelength. And we move past the conversation. And we go to the next conversation and that was literally me pulling in my driveway closing out the conversation. Closing it out. Like I was closing out the conversation to tell you listen, you don't have to come in the morning if you don't want to. I can tell that you were really kind of hesitant about going anyway when I left your house. You were like Eh I don't know if I want to. Anyway...and it was gonna be earlier and the earlier it got the less you wanted to go. That was me giving you an out to going this morning is what that was.

SN: Ok. I didn't know that because you didn't say that. So, I mean, I thought we were right back to square one where you were like you don't have to come because of the way things are" Because that's how you were for those two weeks. It was always well you don't have to come, you don't have to come-this...you don't have to come to this.

WL: Savannah, fuck the two weeks. You can't blame shit on the two weeks now. We got past that to this week. We were past that. That was the whole point of the conversation.

SN: But when the patterns restart again exactly the way they were before, you go back and you follow patterns.

WL: Do you not understand? There was no pattern. That's what I'm trying to tell you. You perceive that as a pattern. You perceived what happened last night as a pattern and the conversation that we had last night had nothing to do with what happened a few weeks ago. Nothing.

SN: Okay. It just seemed like you were getting really defensive and offended.

WL: Okay, so now it's gone from I was to now it seems like and how am I supposed to know because you're not telling me everything. Now I'm getting pissed. This is what I'm talking about.

SN: What, what?

WL: I busted my ass to repair this relationship and thought that we had done it. And I told you that if you didn't trust me or I didn't trust you we couldn't fake it. And now you've proven to me that you don't trust me is what that boiled down to last night because even though I said it, even though I told you we got to the point now to where you don't trust me because you totally misperceived it and that's how we ended back up where we are. It's a trust issue and I can't fuckin' have that. It is not going to work.

SN: Yeah I can't be talked to like this my boss. I can't freakin' have that. Like, And that is why we can't work together. I will not be talked to like this. Like I'm not.

WL: Do you not understand what I'm saying?

SN: Obviously not.

WL: Do you not understand how mad I am because of where I thought we were?

SN: I don't care how mad you are. You don't talk to me like this.

WL: Savannah, do you not understand where we are?

SN: Oh, I know where we are.

WL: Totally backed out of the trust thing. Totally backed out of it.

SN: I don't even know what you're talking about, like the trust thing. What are you talking about?

WL: In full trust, was the conversation we had.

SN: What does this have to do with trust? What does this conversation have to do with trust?

WL: I just had the whole conversation with you. Did you not just listen to anything that I said? What I just said was that during the course, you, we just had the conversation and you said, how am I supposed to know about last night? I can't read your mind. I can't talk to you. You can't tell me. I have to tell you this. However it went. We just determined that there was a delineation in the conversation last night. There was no awkwardness until I pulled in my driveway to close out the conversation and you just said that you didn't understand that and now you do, correct?

SN: Correct.

WL: And then I told you that once I made the comment that I made you immediately jumped off. Once I said, however I put it... "Because of the way things are" That one little phrase, there. You took it straight back to the way it was a few weeks ago and then you blamed it on a pattern just now and I told you that there was no pattern because it was totally different. We had gotten past that. You can't blame things on the way it was a couple of weeks ago when the week has been the way that it has been and last week was the way that it was because we had gotten past that. I was past that. You were past that. It was all about trust and all about building trust and all about moving forward, but you showed me last night that you did not trust me and that's my point right there.

SN: I showed you that I didn't trust you because I'm not comfortable with sharing a room with you?

WL: Nothing to do with that Savannah. That's the whole point of the conversation.

SN: Then I don't understand.

WL: That's what I'm talking about. The whole room sharing thing doesn't have anything to do with anything.

SN: It does to me. I mean you may be want to just be putting it off and you may just wanna push it under the rug and act like it's not related to this conversation, but it is.

WL: Okay, then you know what? Then it's related to the conversation and I'm sorry if I was not clear enough explaining that to you. I'm sorry if I was not clear enough explaining that to you, but it's very simple... If in fact there were going to be a trip to Reno and there was a room that had two beds in it then Brandon and I would take that room and you would take the other room.

SN: Okay, so you never said the probability of us sharing a room is very high even if we have two separate rooms on paper.

WL: No, I did say that. If there were two beds in it.

SN: Will

WL: What

SN: Are you being serious, like, come on now.

WL: Savannah, you told me, you told me last night, the whole thing... "Lookin' out for you" is what you said. "Looking out for you, it's not gonna look good." You know what, you're right. It's not gonna look good. You're absolutely right, it's not gonna look good.

SN: Right.

WL: That's how the conversation was. That's why I was trying to get two rooms. That's it.

SN: Ok, and then let's talk about what happened after you said we'll get two rooms on paper and then you said, but the probability of us staying in that one room together, because Brandon's not even gonna be there. Brandon won't even be staying at this hotel. Like, why are you pretending...

WL: I never said that. Brandon is staying at that hotel. How in the hell, how would I be able to stay in a room with Brandon if he weren't staying at the hotel?

SN: You said he was going to be staying at a different hotel.

WL: No I did not. I said the conference is in a different hotel. We are going to be staying at a hotel down the road, within a block of the conference. That's what I told you. Brandon doesn't stay where the hotels are or where the conference is. So that's where, ok so that's where this got mixed up. You thought we were staying in two different places.

SN: No. I didn't, No... You said, "If we can get a room with two beds in it then Brandon said we can go and, you know, you said he and I can share a room and you can have your own room, but you know, the probability of us staying in the same room together is pretty high" and I said "nope, that's a bad idea" I mean

WL: Doesn't look good. Bad idea. Everything. That's what you said.

SN: Yes.

WL: And what did I say?

SN: You were like "ok ok, ok, I understand, ok ok, I just can't take you anywhere then. I mean we just can't go anywhere together" like

WL: I didn't say that right after that. I did not say that right after that.

SN: Well then why did you say that?

WL: You said "I'm looking out for you" is what you said.

SN: Correct, I'm looking out for you and for me and our reputation.

WL: And what did I say? Okay, you're right.

SN: Mhhmm, but nobody's gonna find out and people share a room together all the time. Beat partners share a room together all the time.

WL: Yep, told I you the whole story, but it's not gonna be that way. The reason that I told you that. You know I would imagine.... (inaudible)

SN: I can't hear you.

WL: The reason that...where are you?

SN: Do what?

WL: Where are you?

SN: I'm in Florida, what do you mean where am I?

WL: Alright, you said you couldn't hear me. I didn't know why you couldn't hear me for a brief moment.

SN: You went out.

WL: Hmmm....

SN: What are you talking? What?

WL: Nothing. Interesting.

SN: What's interesting?

WL: Um. It's evidently clear that I made you uncomfortable last night with my conversation and by that, I apologize because I obviously was not clear enough in my explanation or anything. I appreciate you looking out for me and I understand what the perception would be and you're absolutely right, nor should I expect anything or you to understand any portion of how law enforcement life is with that kind of stuff just through explanation. It doesn't work that way, so, you know, you're right. I probably should've been much more clear in my, in what I was saying. And, yep. Looking back on it, you're right, on the conversation.

SN: So I mean what should you be clear about? What do you need to clear up then?

WL: No, there were just some, I think that the conversation was just, I think that I probably should have taken a different approach to the conversation and did more, and explained it a little better to you and I didn't and I think that's-just that's really what it boils down to is I didn't explain it to you well enough. And I think that I can definitely see now that you are explaining it how you can misperceive the conversation we had last night and that's you know, that's definitely, I can definitely see where you would have some heartburn with that.

SN: Well I'm glad you can see that now that you've like cussed me out and blown me out.

WL: Oh no I haven't cussed you out yet and that doesn't change the fact that once we got to the end of that conversation that that conversation was broken and a new conversation was started and

SN: I didn't-see I didn't hear the break in the conversation

WL: When we completely switched

SN: I heard us arguing about it and I said ok, well I'm gonna go get in the shower and I'll see you in the morning and you said well you don't have to come, you don't have to come in the morning because of the way things are and I said well what do you mean the way things are? And you were like ohhhh now we're going backwards, we're going backwards. And then you start freaking out and so you're the one that freaked out. I simply

asked a question. If you would've just clarified and said, I mean, I didn't mean you should've just said, well, you know, I'm talking about the funeral-the way things are, how it's changed-the times have changed and everything and I would've been like oh ok, alright well then I'll see you in the morning or I'll see you after the funeral.

WL: I very specifically remember a break in the conversation.

SN: I don't remember. What was the break in the conversation?

WL: When my step-dad walked out into the driveway where I was sitting...

SN: Because you talked, you screamed at your step-dad that you were gonna put the pressure washer up, that was the break in the conversation? That was like it was ending the conversation?

WL: It was a totally different conversation, Savannah. It was totally different and I guess, I'm of the impression that in order for two people to have a heated discussion or argument or to be mad or whatever that those two people have to be in agreement that they don't agree and apparently we were not because I did not in any way feel uncomfortable with the way the conversation went with you last night until the point where you asked me about "what do you mean" and it wasn't a "what do you mean" Savannah. It was very much an accusatory "what do you mean?"

SN: Ok. Well I don't know how you can accuse somebody in asking a question "what do you mean?" I have no idea how that would happen.

WL: You do it well. You do it extremely well. You do it very well.

SN: Tell me this then, tell me what you meant by you won't be able to take me places on vacation, I mean not on vacation, but on trips?

WL: I've already told you that that conversation was not explained well enough

SN: Ok, so explain it.

WL: I'm absolutely not gonna explain it

SN: Ok, well then I'm absolutely gonna get off the phone.

WL: I, Ok.

SN: I'm gonna go spend time with my sister.

WL: Alright, why do you want me to explain it? What purpose would that serve?

SN: Because obviously you're saying that I misperceived the whole conversation, so I'm trying to get down to the bottom of what I misperceived, how I misperceived it and what it actually meant so when you said, that's fine. You know how I am. If you're uncomfortable with the way things are then I just can't take you on trips or whatever, then I need to know what that means.

WL: I told you that I was, that I did not explain it well enough is what I just told you.

SN: So explain it well enough right now.

WL: I just told you. I don't know if I'm comfortable enough explaining it right now.

SN: Ok.

WL: Because I'm just not sure that that I'm just not sure that I'm comfortable explaining that to you right now. I'm afraid that...

SN: I mean. Ok.

WL: I mean that just seems...it just seems a little, I don't know..

SN: Because you can't explain it, that's why I mean...

WL: Oh no, I can explain it. There just seems to be, you're-you're you seem to be prompting this for some reason and pushing this further...

SN: Prompting? So now

WL: Prompting, or pushing it further than what my explanation truly is which is I just did not explain it well enough and I don't, I mean, I'm just not...

SN: Prompting...

WL: Yeah, I mean you're trying, you're trying...

SN: I'm prompting you, but you've called me three times to explain the situation and you won't explain it, but I'm prompting you?

WL: No, Savannah.

SN: That's what you just said. I'm offended by the prompting word. I feel like what is that supposed to mean?

WL: Ok, prompting, the prompting word, ok that's another word you can't use with Savannah. Um, that's, that is, I feel like, I don't know. I just feel like you're pushing. You're almost wanting me to explain something that I don't really think, you know what, you may be right. I don't really know that I can explain the conversation from last night and I think it's probably has a lot to do with the fact that, I think it probably has a lot to do with the fact that I just miscommunicated the whole thing. I really think, I think I did. Like the entire portion of and I don't recognize, I didn't recognize it at the time.

SN: You miscommunicated the whole conversation?

WL: Yeah from the time you called me to say look I don't want you to misperceive me or I don't want you to be mad about something, I mean...I don't want you to be mad about this. And, and I wasn't mad about it at all when you called, which kinda surprised me.

SN: You left my house and it seemed like we were right back to square one and you were angry.

WL: I was not angry when I left your house at all. I was not at all angry when I left your house.

SN: Ok. Well then that was my fault, and I misread you. So I was just making sure, I was like "I just wanted to make sure I didn't offend you. We're good." And

WL: And that's what I'm saying, it was kind of shocking when you called...

SN: And then you were like "ok, um I just got off the phone with Brandon..."

WL: Mmhmm

SN: ...and we're gonna have two rooms on paper.

WL: And that's what you said because... and I used the words "on paper" because you said, at your house, you're like that's not gonna look good on paper is what you said.

SN: Yeah

WL: And you're right. And you said, "I'm looking out for you." And I said "I understand that." And I do, and I appreciate that. I mean I do, I appreciate that. It makes a lot of sense and then the conversation went... You know, I think that I probably, you know, lookin' at the way the conversation went last night, I think I just spoke, I don't know, I guess I had gotten comfortable enough with you again, in the last week or so, just to speak freely, you know, just to talk and I think I probably just opened my mouth and started talking without really thinking a whole lot about what I was saying, which in turn, could absolutely be miscommunicated. Yeah, I mean it absolutely could be, I mean... I told you. I played a game with you one day and I sat down and I started talking for like 30 seconds and I said now that's a glimpse inside my head. Do you remember that?

SN: Mhhmmm.

WL: Well, that may very well have been where we were again last night and I just said whatever was on my mind and I could see how it couldn't be rationalized. I mean, I can definitely understand that. So I mean it's probably not, probably not fair, I mean, to assume that you would have understood what I was trying to say when I wasn't putting it together in the right way, so I mean that's fair.

SN: Well then I guess it was just a big misunderstanding.

WL: Well I wouldn't, I wouldn't, yeah but unfortunately I don't think we can chalk it up to that now, so... um...

SN: So what do we do?

WL: Um, I'm I have no idea. I mean we're back to the original question I guess, you know, but I mean I don't think, I don't know how comfortable I am, just like you don't know how comfortable you are, you know.

SN: Um Hum

WL: And like I said, the worst part about all this, 100% the worst part about this, no doubt, because I mean I wouldn't have a conversation with any other employee like this. I wouldn't do it. You know?

SN: Yep.

WL: So, it's the fact that I think that we're just not. I just don't.

SN: It's gotten too out of hand. It's gotten too crazy for me. Like it's gotten really...

WL: I'm sure it probably has.

SN: It's gotten too far. It's gone, I mean

WL: What is it that's gone too far?

SN: Like...

WL: You've said that twice, but give me...what is it, no like, like a specific thing that has gone too far, not a specific conversation, but a thing. What is it that's gone too far?

SN: Now I feel like I'm being prompted, so...

WL: Well I'm sorry. I'm just simply asking. What is it that's gone too far?

SN: This relationship.

WL: Oh yeah?

SN: Yeah, I mean it's like, every time I turn around you're jealous of something or your like, it's like I'm not even going to be able to have a personal life.

WL: What am I jealous of?

SN: We sat there in your freaking office and you talked about how you would be jealous of my next boyfriend.

WL: Yeah I think there would be some jealousy there, but I mean that's just I mean that's just. That's...yeah...see that's not cool.

SN: No it's not.

WL: Because I don't think you quite understood that... because that's kind of stalker-sh. That's kind of weird.

SN: Yeah.

WL: Yeah, that's kind of strange if you put it that way.

SN: I don't know what other way you could put it. I mean you have this whole secret like book of ways that you can put things. I don't know if there is any other way to put the fact that you would be jealous if I got a boyfriend and started dating. Like there is no other way to take that.

WL: How about this? Let me explain it to you like this, I would be jealous of my daughter's boyfriend for taking time away from daddy. I'd be jealous of that. Does that put it in perspective for you?

SN: No, I have no idea where that's going.

WL: No, it's...like...no that's...I'm trying to explain the jealousy part. Um. It's just. Yeah that's just not, that's not...that I just can't explain. I can't explain that because that's not because that's definitely not fair for you, I mean I...That's definitely not fair for you.

SN: Exactly I mean what happens when I...tell me this, if we decide to work this out and we can work together and everything I mean what happens when I start dating...like,

WL: I have no idea. What happens when you start dating? That's your business. That's your life.

SN: That is the first time I have ever in my life heard you say that.

WL: Why, why would there ever, why would we ever have this conversation? That's the first time in your life that you asked me that.

SN: You're, you're kiddin' me, right? Like we didn't have this conversation in your office? You didn't say that?

WL: You said what am I gonna do when, when you start dating? Did you ask me that? Did you ask me, I mean is that what you asked me? Because I don't remember *that* being the question because that's you, that's on you. Of course, we're are gonna wanna see the guy. Of course we're friends and there would definitely be... you're the one that jokingly, I thought it was jokingly, made the comment about he's gonna play hell whoever he is to try to get past us. I mean was that not the conversation?

SN: Yeah. I guess it was. I guess I'm just misinterpreting everything. So I guess when you sat in the car and said like, that like, that like, we should be able to tell each other absolutely everything, 100% and trust each other 100% and that like we should know everything about each other, you weren't talking about my personal life? I mean I just don't understand Will. I-like, I'm really confused. I feel like I just need to like take a few days. I feel like you're trying to back out of this, I don't know what you're doing. I don't understand it.

WL: Back out of what?

SN: Like you're trying to play all this off when it has gotten out of hand and you know it is. It's like it's just too much.

WL: Savannah, this is way out of hand. This is beyond out of hand and you're absolutely right, it is too much. There's no doubt about it because I told you earlier. I have spent more time trying to repair our friendship than anything. I told you that already.

SN: Ok.

WL: I mean I, yeah, it's way out of hand. And I mean, I told you that. I was clear about that, but trust is, I don't know. I think I'm confused about what trust is now because what I thought was trust isn't, or it I may not be.

SN: They're gonna start asking who I'm on the phone with.

WL: Ok, Alright.

SN: I mean.

WL: Alright. Well. I mean, um you know. I thought we were just getting into the part of the conversation where we were clarifying some things, and maybe we're not, and I don't think we are on the same wavelength. I think we...probably were and don't think we are, and...

SN: Yeah I mean I don't. I definitely don't think we are.

WL: Yeah but you thought we were?

SN: Oh I know we were last week. We were, I mean, we were thinking alike, we were right there working so well together like that's what I don't understand is why it can't be like that all the time and then why this has to happen like. It all...as soon as it gets good, you throw something out there like a trip that we have to spend the night together or...

WL: Savannah, I did not throw that out there. I talked to you about it...

SN: That came out of absolutely nowhere.

WL: Savannah, I talked to you about Reno two weeks ago. I said something to you about it two weeks ago, maybe even before two weeks ago because I'd been invited a while back... to go out there.

SN: Ok. Well last night it came up out of nowhere.

WL: Because it was a thought that I had. I mean how many times have we sat in this office and I just had a thought, pointed at you and said something? Remind me of this later.

SN: I'm just saying, I feel like that was the downfall of the conversation and

WL: Yep, I mean, I'm sorry if that's what you thought because that in no way, came out of my mouth with any intention that, for that, so I mean that was not my intention at all

and when I left your house I was not mad and when I got in my truck and was driving home I was not mad.

SN: Ok

WL: And when you called me and I was, I drove all the way home and I was not mad. I was not mad until you started questioning my comment, which again goes back to for me it goes back to that whole trust thing. And that's, that's where the conversation went awry for me. That's where it got sideways for me.

SN: Well it went awry for me when you said the probability of us staying in the same room together is high and then you started getting defensive when I said no, that's not what I want and it went awry for me when you said you just couldn't take me on trips anymore because I wasn't comfortable with the fact of how you get like that's when it went awry for me, so it went awry for us at different times.

WL: And that part I can tell you. You reminded me that I said that. I didn't remember that I said that, but, I'm talking about the last part of what you said, the whole comfortable for you thing and that's it...If it's not comfortable for you then I don't want you to go on trips with me. I don't want to put you in the position to do that. That's what I meant by that. I think that's what led to the "because you know how I am" conversation, you know how I get and that's real easy for you to say "mm, no, go the other way," but I don't want to put you in the position to make you uncomfortable

SN: Well I appreciate that

WL: And that's it. I don't want to put you in the position to make you uncomfortable, but now I'm pretty uncomfortable.

SN: Ok, well...

WL: And that's because so, you know, I mean, that whole conversation about jealousy and boyfriends and personal life look, that-that has nothing to do with...

SN: It's just I had a long car-ride here. I had six hours to think about it and I just keep thinking all these things...I just... I'm...

WL: Yep, and I'm afraid that your six hours back is going to preclude you from coming back. Is what I think.

SN: What do you mean?

WL: I think that you're probably going to process this for the next few days and I don't think you're gonna be back, but you're welcome, and it would probably be...

SN: Even though you're uncomfortable...

WL: It would probably be a good bit easier for everybody if you, if you're not gonna stay, if you came back in for a couple of days before you left. I think that would just be more comfortable for everybody.

SN: Ok.

WL: So, but again. I need, and I'm not gonna go through this conversation every couple of weeks. We're not gonna have this conversation every couple of weeks, so if this is something that you don't think you're gonna be able to do long term because of me then it's, as friends, former friends, coworkers, however you want to put it, ok, however you want to put this, whatever the relationship is, was, just out of respect for, here we go, out of respect for what we had, at a minimum will you give me the courtesy of at least telling me as soon as you know?

SN: Yes.

WL: So that I can start looking because, you know, I'm already kinda processing.

SN: Ok.

WL: So, I mean I don't, you know... I can't. You agree, you said it, I can't go without somebody in a position that helps me like that, like what you do and I can't replace you, but I can fill the position so, that's just...that's just it, and I mean I have to fill it, no matter how difficult it is.

SN: Right.

WL: So, um, but I mean I completely understand.

SN: I mean I'm in the same boat, I don't have a backup plan. I don't have a job.

WL: I'll take care of you. I mean I'll take care of you. I'll get you a paycheck. You'll stay here until, you know, you'll get paid here until we find something for you or you find something else. I mean, I can, I can do that. I mean hell I did it for my worst enemy, for 6 weeks, 8 weeks, so the least I can do is do it for you. I mean that is the least I can do for you out of all you've done for us. I mean, that's the least I can do for you.

SN: I mean I don't know what we would even begin to tell command staff and...

WL: Oh it gets, I mean it would be pretty clear, it would be pretty easy to come up with something.

SN: What

WL: I mean you called up here already and said that your sister was having trouble with your brother in-law.

SN: Mhmm.

WL: Everybody knows that you're divorced now, right, or getting divorced, right?

SN: No.

WL: Oh they don't.

SN: No.

WL: Oh, well I thought they did.

SN: Drew and Ryan know, but I haven't told anybody else.

WL: Well I mean, you know, it would be a good time to, I don't know, however you'd want to put it. But, I mean, we could...

SN: To what? So you would tell them that Savannah's personal life is a train wreck, so she's gonna leave. Is that what you're talking about? Like, I mean...

WL: No, Savannah that's not what I'm talking about.

SN: What do you mean? Going through a divorce, what does that have to do with that?

WL: It doesn't have anything to do with it, Savannah. I'm just telling you. I'm just throwing stuff out there option-wise.

SN: I would quit the Sheriff's Office because I'm going through a divorce?

WL: No.

SN: Well what did you mean by that?

WL: What I meant was that you're going through some issues with family and that right now you have an opportunity to go somewhere else that would be better suited for the time that you need with family, as this schedule is very rigorous. Something along those lines, or "Will Lewis, I can't work for him anymore," period, or...

SN: Really? I'm gonna tell command staff that I can't work for their boss?

WL: It's happened before. Or "You know what guys? This isn't for me." Or "The hours are too fucked up" or what, or anything, I don't care. You tell me what you wanna tell them and I'll tell it to them. And I'll back it. My point is you've got an out.

SN: Ok

WL: So I mean you know, and it's as hard for me to say that as it is for me to say anything else.

SN: Alright.

WL: So, well I guess I will wait anxiously to hear what you decide. Can you give me an indication of which way you're leaning?

SN: No, because I, like, I literally I have no idea, I have no idea what I'm gonna do. Like I can't talk to anybody about this. I can't, I'm on my own here. I have no idea what I'm gonna do.

WL: So am I. So am I. We're both on our own with this one.

SN: Yep.

WL: I guess. So, um.

SN: Well maybe I'll know more after I sleep on it again, I don't know. I just don't, I don't know...I don't know if you'll be able to treat me nicely after this.

WL: I don't know that you will trust me after this and that's the problem.

SN: I don't know what trust has to do with this.

WL: Everything. It has everything to do with it.

SN: I mean

WL: Because it's become pretty clear to me that you don't.

SN: I don't know what I've said or done.

WL: The whole conversation revolved around the trust, the trust in the fact that I would be honest with you, the trust in the fact..., the trust in the fact we could communicate openly and not misperceive conversations... (Will talking to someone else: What's up? Give me just a minute, give me just a minute. Yeah. I'll be out there in just a minute). The trust in the fact that there's uh, you know, uh, there's a million things that I drew out of this conversation, but every one of them fall back to trust, and I just don't know that you can trust me after this. And I don't know that I can believe in the fact that you will trust me after this. I mean, I really, really felt like we had gotten to a point, this past week, where we were kinda over it and then I feel like, this is me, this is just my opinion, my perception of the issue, I feel like, you based and it's been substantiated based on this conversation...that you don't trust me in what I say and what I do.

SN: Ok. Well I have no idea what you're talking about, but

WL: I don't know how to clarify it anymore, I mean I've... I just don't think you trust me. I don't think that you...and I made a comment and I feel like you took that comment out of context and totally went a different way with it, and...

SN: There's no way I took the whole conversation out of context. There's just no way.

WL: I said, I said a comment...

SN: I know, and I'm telling you it was the whole conversation

WL: I know, I know, that's what I'm saying – that's where we're off...

SN: yeah

WL: That's where we're off... we're off right there because it was just one comment to me after the conversation I told you to me that I was not mad or upset with any of the conversation until the very end. I was not upset with any part of the conversation.

SN: Ok.

WL: Until the end, and I think that you were building and not telling me, "Hey listen, I'm not comfortable with this conversation, at all. You saying this pissed me off. You saying that pissed me off" and you know, I mean when I made the comments that you took wrong, or that I said wrong, or that I communicated wrong, however they were done. You should've told me at that point, that that's fucked up and that's not the way it should be. And I did not know that because like you've said a thousand times, I can't read your mind.

SN: Well I feel like I did make it, I feel like I did say that that was, that that wasn't gonna happen and that I wasn't comfortable with that and then you were just like ok well we just won't go out of town together anymore and I'm like ok, that's fine and you even said today that that made you feel, that pissed you off that I said ok, that's fine that we weren't gonna go out of town together.

WL: No, I didn't say it pissed me off. I said that hurt my feelings is what I said.

SN: I just don't know what to do with you like...

WL: I know, I know. I get it. I'm complicated. You're complicated. It's a complicated situation. You're as complicated as I am. Your frustrations with me are my frustrations with you. You're as complicated as I am. You're more difficult than a jigsaw puzzle with a billion pieces and no edges. I mean you are, you really are. You're that complicated.

SN: Well I'm terribly sorry.

WL: Because I've built everything around trying to get you to trust me, and you're just not there. You said that yourself. You're just not there, and now we've taken as many steps forward as we took, we've taken a thousand steps back.

SN: Um hum

WL: The question is can it be repaired? That's ultimately the question.

SN: Right.

WL: So. I think that, you know, really at the end of the day what it boils down to is can you trust me and can we work together again? And I really believe that I just...and I may be wrong, and this is, and I shouldn't say this, but because this is me wanting to talk to a friend that I can't talk to anybody else about, I just don't think you'll do it.

SN: You don't think I'll do what?

WL: I don't think you can.

SN: Ok. Well how about you focus on what you can do, what you-how you can, and I'll focus on me and what I can do because you're focusing on-you're trying to get in my head and figure out what I can do and what I'm supposed to be feeling and if I can trust you or not and if we can work together, you focus on you and for the next couple days and you tell me if we can work together after this. Like based on your opinion, not based on me. I will tell you if I can do it. Does that make sense?

WL: Yeah, that's uh, that makes a lot of sense. It's very telling. Absolutely.

SN: I don't know what it's telling of, but ok

WL: Ok, ok. Yeah, it's very telling, so I get it. I get exactly what you're saying. What you're saying is, you worry about you and I'll worry about me.

SN: What I'm saying is you don't try to get in my head and tell me if I can trust you or not. You don't try and get in my head and tell me if I can work with you or not. You don't try to get in my head and tell me if I'm gonna be able to do it or not. I'll figure me out. I want you to figure out if you're gonna be able to work with me, and if you're gonna be able to get over this, and if you're gonna be able to be comfortable again. Like I can figure out me, but you're trying to figure out me, and that's just not right. You can't read my mind. Like...

WL: Like you've been trying to read mine.

SN: I have not been trying to read your mind, like, I'm...

WL: Ok, well then that's my, again that's my fault. Again, I just, that's the part that I'm talking about. Friends, that's the hardest part. The whole friendship side of it.

SN: Um.

WL: Alright. I know you got stuff to do. So I'll uh talk to you in what a week?

SN: A week?

WL: Oh ok, when am I, ok. I don't want, ok, so back to square one. I don't want to not check on you or call you and check on things and see how things are and you perceive that as I don't care, but I don't want to call and bother you either.

SN: I got you

WL: So that-that's it. That's-that's all. So, when you're comfortable or when you've made a decision let me know.

SN: Alright.

WL: Alright

SN: Alright. Bye

End of Recording

RECORDING #7 – 00:29 duration

Date: 4/20/17, Including: Savanah Nabors and Will Lewis

SN: Hello, Hello, sorry I was on the phone. Um....

End of Recording

RECORDING #8 – 9:19 duration

Date: 4/20/17, Including: Savanah Nabors and Will Lewis

WL: I can't tell if they were laughing at you or laughing at me.

SN: Both, okay...

WL: Alright, um, so I'm just calling you back, I just want to clarify something so we know where we stand on this whole thing. Um, if I, ultimately what it comes down to is I understand that you, I understand what your concerns are and I think in the absence of trust we have exactly what you said earlier, where Jackie is, and there's already somebody filling that position.

SN: Filling what position? Oh, filling Jackie's position.

WL: Yep. There's already somebody filling that position. So, you know, I don't I mean there are things we have to make, we had a conversation the other day where you said I made a comment about a couple people, Marcus and Ty and you hit it back pretty hard. You were like "you made that choice on your own. I feel like you probably should've consulted some people or consulted a few people when you made that choice" And I'm trying to think what you said, in the absence of reciprocal trust, I just don't think it's gonna be there and I again, I can't change that so you know. I'm sure that something at some particular point, well I'm not sure of anything anymore, but I would hope that at some point I would be able to earn that back, but again I think I would spend more time trying to repair that trust than I would be dedicated to any other portion of the job, so you know, um I really, really I can't express to you how much I'm disappointed in the fact that I let it get to this point, where you don't feel like you can trust me and I think that's pretty tough. You're a good friend. I'll miss it. Um. More than you can probably ever know. It's giving me heartburn, and I never get heartburn. You know, it's caused me some, you know, it's caused me to think real long and hard the last day or so. Um. So uh...yeah that's pretty much it.

SN: I mean, regardless, you still get to stay in your position. You may lose me, but that's all and I'm losing everything. So it.

WL: What do you mean you're losing everything?

SN: My job, my financial situation, my friendships, everything that I've created in the past six months.

WL: Yeah absolutely, and I completely understand that.

SN: It's heartbreaking.

WL: Ah, you're telling me. It is. And you know, I get it. I understand. I mean, it's irreparable, that's what I'm hearing come from you.

SN: You won't say it yourself though.

WL: No, I won't say it myself because I don't, because I didn't until we talked think it was non-repairable. I guess what I was waiting on was confirmation from you and I've got that confirmation now.

SN: You've got what confirmation?

WL: That it's non-repairable. And I've got to have someone in that position that I can trust-that trusts me. Um

SN: So then are you firing me, or am I resigning or what?

WL: I don't know. I've never done this.

SN: You're telling me that I can't trust you and you can't trust me and you can't work like that, so am I being fired?

WL: I'm telling you that you don't trust me, which is what you said.

SN: Right. Because I don't believe there has to be that trust. I worked for Alex for three years without trusting him in a personal way. I mean I don't understand why there has to be...I would have never had to trust Alex is something other than trust that he can do his job, so why would I have to personally trust you? It has nothing to do with what we do, what we work together for. The trust, you have to trust me because of the position I'm in, but I just don't see why it has to be reciprocated right now.

WL: Ok.

SN: But I mean you don't really separate our work relationship and our friendship, so I feel like maybe that's why I feel like it has to be reciprocated. I don't know.

WL: You're exactly right. Our work relationship and our friendship. You're absolutely right on that. I can't delineate because I need both in that position. I need a friend that I can trust and I will eventually find someone that I can trust, not near as much as I trusted you, um in that position and I'm sure they won't be near as capable as you, or qualified, but I'll be able to fill that position and that's pretty much it.

SN: Okay, so am I being fired?

WL: Nope, Nope. I didn't say that.

SN: I mean you're talking about filling my position and you're talking about moving forward so I need to know.

WL: I have to consider it, but I told you that you're welcome to come back as long as you'd like, stay as long as you'd like and find you something else if you don't want to stay. So I mean I told you. You're talking about you're going to lose your financial, you're going to lose your friendships, you're going to lose everything um and that's not the case. I told

you that yesterday. I'll let you stay on as long as you need to um to find whatever you'd like and I told you that I'd help you and that's it.

SN: So if I come back for this time period that I'm trying to find something else, I mean what happens? What...are we working together? Are we not working together? I mean everybody's gonna start to catch on before long.

WL: I'm sure, I'm sure they probably are. Um you know. I don't know. I mean what do you want me to tell people? What do you want me to say?

SN: I have no idea.

WL: Um, Ok then we probably need to come up with what we're going to say as far as "she's coming back for a period of time to work transition, she has been offered something else. She's looking for something else with better hours to make it easier for her to be able to travel back and forth between here and Florida to help out her sister," um I don't know. I'm just brainstorming some ideas. Whatever you want to do, but I just need. I still don't have a definitive answer if you're coming back and if you're going to stay for good or you're going to stay for a short period of time.

SN: Then answer this question for me and I will be able to answer that question for you. Can we work together without it becoming physical?

WL: Without it becoming a friendship? I doubt it, very seriously.

SN: Ok.

WL: We cannot work together without being friends. Um, not in that position. I have to have a friend in that position. I have to have someone I trusts that trusts me and trust is reciprocal for me. If I rely on you to take information in, and I understand that it may have been very different with Alex, it was also not always the easiest job with Alex and Alex was not always the best communicator. And I love Alex with all my heart, but Alex would be a crappy Sheriff. Um and I on the other hand, have no intention on being a crappy Sheriff and I've got to have that person that I can rely on to say things to that I know that they're listening and going to give me an honest answer in return. And I have to be able to know that that person trusts me so that I can trust that person. Um trust is reciprocal for me, like I said, but it's not there so over the course of the next however long you want to stay, um, you're welcome and we will continue to work together. Um, It will be a very... It will be very professional um and I mean very, very professional. The recommendation that I give you when you leave will be beyond glowing.

SN: You're cutting out.

WL: I, I don't, well I'm cutting out because someone's trying to call me at the same time. Hang on one sec.

SN: Alright.

End of Recording

RECORDING #9 – 11:44 duration

Date: 4/20/17, Including: Savanah Nabors and Will Lewis

SN: Hello

WL: Hey, I tried to end the other person that was calling in and it switched lines. I told them I'd call them back and it cut off, but um...do what now?

SN: I said, it hung up, but it's fine. Um I mean, I guess you've told me everything I need to know, that we can't work together because I can't trust you. I don't know how that's related I don't understand it, but um...because I would still tell you the truth and be honest with you. Um, so...

WL: Yeah, well like I've said. I've told you. I've explained it to you, but I you know, I'm absolutely not gonna fire you. I'm not gonna put you in that position, nor would I... I wouldn't dare do it, just because out of respect for our friendship that we had. I wouldn't do that to you.

SN: I mean I don't think you really have a reason to fire me.

WL: No, I don't think I do either. So, I mean I just, you know, you know, there ya go. Um, I mean, therein lies the issue, even though, well, and that's irrelevant.

SN: Even though what's irrelevant?

WL: I mean ultimately if you work at the Sheriff's Office, you work at the pleasure of the Sheriff. (Inaudible) So I mean

SN: When you work at the sheriff's office, what?

WL: You work at the pleasure of the Sheriff, I mean, that's just it. Period, but there's nothing...

SN: Wow

WL: Yeah, but that's irrelevant.

SN: Yeah, it is irrelevant Will, and...

WL: That's what I'm saying. That's state law. I'm just telling you what state law is, but that's irrelevant.

SN: We're gonna go into state law now? Like, yeah it's irrelevant. That shouldn't have been said.

WL: It's completely irrelevant Savanah.

SN: I work at the pleasure of the Sheriff. Then why did you say it? I mean, that is so, I cannot believe you said it. Like Wow.

WL: It's completely irrelevant, meaning it's-it's irrelevant, the relevancy isn't there because I'm not gonna fire you period. I'm not gonna do that, I mean, that's just-I'm just not gonna do that. That's why it's completely irrelevant. I haven't invoked that nor would I invoke that on anybody. I mean it's antiquated. I mean you know, so I mean that's just the way that it is, but you know I didn't mean anything by it and i don't mean any harm by it. I'm sorry if that was misinterpreted.

SN: Yeah, I guess I did misinterpret that one. That was rough. Um.

WL: Well, I mean, I'm sorry. I didn't mean for it to get that way, so but you know, you're absolutely, you're absolutely welcome back and um you know you're more than welcome, so, but it'll be simply professional and um

SN: That's all I've asked for it to be. That's what I don't understand is I've had a friendship with you, but I don't understand why every time that it-it-that I say that something's inappropriate, like...

WL: Hey, Hey, I gotcha. I'm tracking. I'm giving you what you want here.

SN: What do I want?

WL: A professional relationship that simply relies on you being in the office, and doing your job, so that's what you're getting.

Sn: What do you mean by that?

WL: Savannah, there's no way...I'm not gonna sit here, and I'm telling you I'm giving you what you want as far as that. I'm not gonna break down my conversations for you anymore. It's just something-I'm not doing that anymore. ...I'd love for you to come back and I've explained to you that you know the parameters. I'm giving what you asked for. I'm going to continue to wait for you to respond as to whether or not you're going to be back at work, and however long you need to take...just out of curiosity, I'm not trying to get personal here, I'm just curious. Is Joel okay, did they take him off his monitoring?

SN: Yes, he's fine.

WL: Ok, alright, so on that note, you know, whenever you're comfortable with coming back you come back and we'll...you know...I mean...I've got a few things that I need to take care of and we'll readjust a few things. It won't be anything huge, but we'll readjust a few things.

Sn: Well I need to know what that looks like. If I'm trying to decide to come back or not, I need to know what you mean by readjust a few things.

WL: I don't know. I think we're gonna have to play it by ear. Don't you? I mean, this is uncharted territory for both of us, so don't you think we probably need to work that out? See if it's something we can do? I mean if its' not, then, if you're not willing to-I can't give you all the answers right now because I don't know how this is gonna work. I don't know if you're gonna like working for me when you come back. You may come back and see

that a completely professional relationship isn't what you're looking for and you may absolutely despise it, um which seemed to be the indicator in the past. And that's you know, that's exactly what it is.

SN: Um professional is not cussing me out in front of employee, Will. That's what I despised about that. When you said what you said in front of Belue, that's what I despised about that. I don't despise you, not like, it was that that I despised. I don't understand what you're talking about.

WL: I got you. Yep, makes sense.

SN: It wasn't professional. You were pissed off and it was inappropriate still, so I don't understand, like.

WL: Ok. I'll absolutely not do that again-that absolutely will not happen again, so...

SN: Well I guess I will let you know within a-within a day or two.

WL: Ok...um...well... I mean, I (Inaudible) with Kernel...so I'm not putting you under a time crunch here but he kinda put me under a time crunch today, so um.

SN: What does that have to do with me?

WL: Well I mean I've asked for a new civilian position, two new civilian positions at the Sheriff's Office and, I mean if you're not going to come back to work then I can transfer one of those positions to something else.

SN: Right.

WL: So that's really kinda, what, you know, I'm trying to help him out as much as he's trying to help us out.

SN: So what is my timeframe? When are you?

WL: Um, you know, within the next couple of days... what's today? Thursday?

SN: Mhmm.

WL: Well, I don't really know because I don't want to interfere with your time down there with family, so I don't know when you're coming back. Um so I don't want to interfere with any of your time with family.

SN: Ok.

WL: So, you know, I hate to, I hate to put like a timeframe on it, for you, um, knowing that you're down there with your sister. So

SN: Ok.

WL: You know, reasonably, whatever you would consider reasonable, which is whatever you think is fine. I mean it'd probably kinda be easier if you think you could let

me know in the next day or so um because if you choose not to come back I'm gonna have to send somebody to come pick up your stuff so you don't have to come back down here. If you don't want to.

SN: I mean I have all of my stuff in my office and everything, so I would just come to the office, pack up my stuff and leave my car and leave everything.

WL: I guess you already dumped everything up here?

SN: No, I'm saying I've got everything in my office. Like everything is in my, so I would have to come back and pack up all of my stuff.

WL: Ok.

SN: So you wouldn't be sending someone to get my stuff.

WL: Ok. I got you. I'm tracking. Alright, sounds good, sounds great.

SN: What sounds great?

WL: I mean that sounds great if that's the way you've got everything set it up, it should...

SN: I don't have anything set up. I never said I had anything set up. I'm just saying, why would you send somebody to come and get my car and get my stuff when...

WL: Well I mean I'm not, I, I mean that's just protocol. I mean it's normally the way things are done because people that, you indicated that you didn't want to come back up here, you know.

SN: I've never said that.

WL: Oh, I'm sorry. I thought you said you were not gonna come back. I misunderstood that. I'm sorry.

SN: Yeah, yeah, I guess you did.

WL: No, I'm talking about if you weren't going to come back to work, you're not coming back up here is what I thought you said.

SN: If I'm not going to come back to work then I'm not coming back to *work* is what I'm saying. I would still come to the office at some point in time to get my stuff.

WL: Ok, alright. That's fine. That's fine. Ok. That works.

SN: I mean, what works, Will? Like why do you keep doing that? Why do you keep talking like that? Like it works, it sounds great. Like I know you, and I know that you're mad, so I mean stop-stop the nonsense.

WL: Savannah, I'm truly not, I'm really not mad-I'm really not trying to be mad. I'm just telling you that that works. If that's what you want to do or that's what you decide or however that goes, that works for me. I mean if you decide that you don't wanna come

back and you want to do exactly what you just said, then that's fine. I get it. That works for me. Um, you would drop your stuff off, you would come up, you would pack your stuff up and you would go. If you're not gonna come back to work, or if you decide you're not going to come back and work any, so I understand that. Um, I'm, that's okay. I'm just, that's what I'm telling you. Um, I mean that's, this is the, this is the professional side, this is what I'm giving you.

SN: Ok.

WL: That works. That's okay. That's fine. Um, whatever you decide.

SN: Alright.

WL: Alright?

SN: Alright.

WL: Alright, well maybe uh, do you think tomorrow afternoon is too early um for you to make a decision or do you think you need another day?

SN: I don't know. I'll let you know. I don't know. I just don't know.

WL: k, alrighty, well uh at your convenience then will be fine.

SN: Alright.

WL: Alright, thanks.

SN: Thanks, bye.

WL: Alright, bye.

End of Recording

RECORDING #10 – 53:54 duration

4/24/17, Incl: Savannah Nabors, Will Lewis, Sgt. Ryan Flood , & Capt Lyle Kirian

WL: You wanna talk before you do that?

SN: Um, yeah that's fine.

WL: I have no idea what your decisions are. I don't know what your plan is... We haven't talked at all, so we can either sit down and discuss it or we need to figure out what's gonna happen next because, I mean, it's not, there's limited, I have limited knowledge about what's going on. So when...

SN: Ok. Alright.

WL: So. I guess the first question is. Are you here to serve a two week notice?

SN: Uh huh.

WL: Ok. I'll give you your (inaudible) Um. Your, us, your password is Allison 7 I think. Whatever my next one was gonna be, whatever I changed yours to...

SN: Ok.

WL: Um. Have your two weeks' on my desk and backdate it to last Monday.

SN: Backdate it to last Monday meaning you just want me to work this week and be done?

WL: Um, unless you don't want to work at all. Just give me a copy of your two weeks' notice. I'll give you your pay for this week.

SN: Would that make you more comfortable?

WL: Um, it's completely up to you. I mean my level of comfort is irrelevant at this point so...make your decision accordingly and have it on my desk within the next few minutes please.

SN: ...having a hot flash. How are you Ryan?

RF: Hey, how are ya?

SN: Good how are you?

RF: Tired (inaudible) How's your uh brother in-law?

SN: He's doing alright. Um he's off his breathing machine. I think they still do it at night and stuff or something. He's doing all right, I came back on Saturday.

WL: Umm...I need you to um...

SN: I can't get into my computer so.

WL: Capital A-l-l-i-s-o-n-and the number 7

SN: I think I've locked myself out.

WL: That's fine. You can type it on mine.

SN: I've already typed it.

WL: Great.

SN: I mean I don't have a copy of it. I was gonna print it here.

WL: I'm sorry. You need to access an email for something?

SN: Yeah.

WL: Um you're welcome to access it from my computer. (inaudible)

SN: Ok.

WL: Sgt. Flood

RF: Yes sir.

WL: Come here for a minute please.

RF: What's up man? How are you?

WL: Um. I need for you to um I need for you to uh get with IT...hook up to my calendar, um if you'll forward calls to Sgt. Flood, actually if you'll just give him your phone.

SN: Yeah

WL: And then he can take the phone. Set up my... Set up my appointments. Have her e-mails forwarded to you.

RF: Ok.

WL: And you can check e-mails (inaudible)

RF: Ok.

WL: Alright? Give me one second. What do you want me to say? What do you want me to tell people?

SN: Um. It's totally up to you.

WL: Ok, I just gotta, I mean, I'm tryin to, I'm trying to be respectful of your future, so I mean (inaudible)

SN: Respectful of my future, how would you not be respectful of my future?

WL: With respect to your future here. (inaudible)

SN: What would you have said to them that would not be respectful of my future?

WL: That's why...what I'm asking what you would like for me to say. How would you like for me to put it? Savannah has employment elsewhere? How...

SN: Umm. That's fine, you can just tell them I'm looking for jobs in family services, and that this wasn't for me.

WL: Perfect. That's exactly what I'll say. She's looking into getting back into child and family services.

SN: Um. I just emailed it to you but the date you know is two weeks from today so if you want to pay me for two weeks

WL: Yeah absolutely.

SN: Then I'll just go and um I'll have to get everything together, you know, all my stuff and bring it to you.

WL: Not a problem.

SN: Um.

WL: Not a problem. We have, I'll be glad to get someone to, I'll be glad to get someone to... on whatever your last day is, whenever you decide to go...

SN: If you're going to pay me for two weeks then I'm gonna go today.

WL: Ok. Um. Captain Kirian will be (inaudible)

SN: Can I be in there with you?

WL: Do what?

SN: Can I be in there with you?

WL: He can just come in here. I'll just call him and he can come in here. He's just got a lot of people in his office.

SN: Do you want me to go get him?

WL: No. Nope

SN: I mean have you told Ryan I was leaving?

WL: Nope, the only thing that anyone knows is that you had a family emergency in Florida.

SN: Really? Because Sally just came up to me and asked how my vacation was, so.

WL: I haven't talked to Sally at all. I haven't talked to Sally. Sally doesn't know anything. You're right, you're not gonna sit here and question my integrity for two weeks. That's not gonna happen.

SN: My apologies. I just saw where you texted me.

WL: Hey would you mind stepping down to my office for a minute? Thank you. I've just got to (inaudible)

SN: Ok.

WL: Savanah just submitted her two weeks' notice. I need for you to get her paperwork together to allow her to work, or get paid for the next two weeks.

LK: Yes sir.

WL: And just whatever paperwork needs to get down there. Just make sure she gets paid for the next two weeks.

LK: Ok. Is she gonna work? Or is she gonna? So we're gonna do....I gotcha. Yes sir.

SN: Thank you Lyle.

WL: Do you mind closing the door and talking for a minute? I want to give you that option. (inaudible)

SN: I think you've said all that I need to hear and I think I've said all that I need to say.

WL: I have a lot more that I want to say. A lot. Um. I have a lot that I want you to hear. I feel that you. I don't even know what to say. I am in no way going to... (inaudible)

SN: What do you have to say?

WL: Like I said, a part of me wants to somehow try and I guess defend the fact that you think that I lied to you. I can't do that. There's nothing that I can do and defend that. You're convinced I lied to you. There's nothing I can do. Um. The only thing I can leave you with is this...I did not lie to you. I never lied to you. I never have lied to you and I would not lie to you. Um. I knew this was coming when I didn't get an answer from you Friday or Saturday. Um so I knew it was coming, I reckon. Um. So I have pretty much decided what I was going to do. I was going to rip the band aid off and be done with it because I have an agency to run and your position is integral to what I do. I picked the best person for the job. Hands down um and unfortunately, somewhere along the line um I either did not appreciate you in the right way or let you know that how important you are. I may have told you, but I did not show you here at work. That's um my *inaudible*. I get it, but I have lost more sleep over this than I have anything else. I hate it. That's on me...um

SN: Yep

WL: And in order to protect myself, knowing that there is zero possibility of renewing a friendship out of this (inaudible) I can't have this floating on my mind for the next two weeks and uh you know, I mean, that's it. That's, I guess what I...that's from a...with respect to our prior relationship that uh, that I mean um I absolutely will give you the weeks' pay. Anybody else I wouldn't have. Um it hurts me a lot right now. Ok. (inaudible)

SN: How do you suppose you do that?

WL: I call everyone in and tell them to rescind it, and I stop it right now and that's it.

SN: This is non-repairable.

WL: The friendship is. You're right. (inaudible) You're absolutely right. I learned that at the end of the week it's not worth it because the friendship was non-repairable.

SN: When Ty told you.

WL: When Ty told me, that the friendship wasn't repairable? (inaudible)

SN: And that's when you learned it?

WL: No, I learned it um probably Friday. That's when it probably set in to me...I think that's...that's when it kinda set in.

SN: I learned it when Ty said you know "Sheriff said you'd be calling, so I told him that you called. He knew you would want to meet with me and told me to report to him as soon as you asked to meet with me."

WL: I did.

SN: That's when I learned it.

WL: Do you understand why I did that?

SN: No, please explain.

WL: I did that because I have the integrity of this agency to look out for. I knew when you did not respect this position that I sat in because I sat in it. I learned it on Thursday and it really sat in on Friday that when you said "I love my job, I love everyone there and you literally walked around every single position, is when I knew that our relationship was over. You included everybody on the list except for me. This current position...and that's when I knew our relationship... (inaudible) Basically exactly what you said last week. Because (inaudible)...

SN: What did I say last week?

WL: Um. It's your... Professional and there's nothing else to go with it, and um....

SN: But then I get this, I get treated differently.

WL: No, of course to an extent there would be (inaudible), because a lot of what I did was from the friendship of it, where it was every single day we went to lunch or every single day we did something together. We spent hours in this office talking about things after work, of what you said to be (inaudible) so for me it would be different because I would have to learn when to say things and when I couldn't, with respect to the fact that I would get a response that was ambivalent, Yeah, I didn't always have to wonder what your response would be because you trusted in what I was asking and you to give me an honest answer of that you would tell me something different because of the trust issue. And that was a concern, but the more I thought about it the more I thought can I reframe my question or (inaudible), or I could ask it the same way (inaudible) ...Strictly professional.

SN: Well you weren't the last time we had a fight, um

WL: No I wasn't, and I think what it boils down to is your right, you're absolutely right. I mean, I think that I was still trying to salvage the friendship, that just wasn't salvageable and (inaudible) what I had trouble with and that was friendship vs. the job and if you lost both of your hands and came to work, there's like 95% chance that I would've kept you anyway because of our friendship. My point is that I value you so much as a friend to tell me the truth about things (inaudible) that was invaluable to me, and I cannot replace that so then when you said you know that that's done that it's never gonna be anything else (inaudible) then or when I heard that, that it, when... I decided ok, then I weighted the value option of what you do every day, professionally and just, it far exceeded what I was willing to lose. And then when I talked to Ty on Saturday and um I knew it was over, you were basically gonna give your notice and (inaudible) and that was it, um I went ahead and decided that um that's what I was gonna do to try to make up my mind (inaudible). And that's when I made my decision, I knew you'd be coming in to serve your two weeks' notice, with the hope that I was wrong. So I would (inaudible), this basically is what it is.

SN: Well I appreciate that, I mean, I really do and um.

WL: It's gonna be a minute, it'll be a few minutes

SN: And I appreciate all the opportunities. I mean I'm heartbroken. But I'm so thankful at the same time for this position and what you've given me, so I'm sorry that it has to end like this.

WL: I would probably have to say what I would normally say in a situation, not near as sorry as I am, but I think you probably are as sorry as you say you are that its ending like this so. Um. I knew it would be hard this morning but you also understand why I don't want to drag this out.

SN: Oh no, I completely understand and I appreciate that because I don't want to drag it out either, but I was willing to be here and give you your two weeks' notice and serve two weeks.

WL: Your two weeks will be fine. Um. I don't have anything else to say.

SN: Ok.

WL: Um. I-I (inaudible)

SN: Do I need to change my two weeks' notice or do you wanna just take that or what do you want me to do?

WL: It's fine. I'll pay you for two weeks.

SN: I mean should I go home and get boxes and stuff and come back and pack up my stuff. Or...you tell me what to do.

WL: (Inaudible) to put everything your car and we'll send somebody to come and get it.

SN: I'm talking about my office stuff.

WL: Um. I'm assuming that you would probably want to...you do that whenever you want to.

SN: Ok.

WL: But please do it when I'm not here and um I'll be leaving tonight.

SN: Ok. Well I won't be able to do it tonight.

WL: Well, do it whenever, um, I have...I've got captains boards this afternoon. So you can do it then.

SN: Ok.

WL: I'm still kinda hanging on to that string at the end of our conversation.

SN: What do you mean? What string?

WL: That little string that maybe you would reconsider and stay. I'm still kinda hanging on to that.

SN: I don't see how we can work like this. I don't... I can't work like this.

WL: You say like this. Part of it is, ok. I'm not going to try and convince you I was just hoping that maybe there was a possibility.

SN: I wish that there was. I want there to be. I want to stay, but I just don't that happening.

WL: Ok, so you're done? Ok. Um.

SN: It's just gotten unhealthy and

WL: I'm... I reevaluated what you did. My opinion is concerned. *Inaudible*. We've switched seats and now I am where you were a week ago and you're where I was.

SN: Ok. And we can't do this and not be on the same page.

WL: Yeah, I'm of the opinion that you're right. In violation of everything that, I'm sure that every person would say that I'm violating every single rule I have set for myself, *Inaudible*. If you really want to stay. If you really love it that much, then you can. You can stay.

SN: How?

WL: I'm telling you that what you asked me for is what I'm giving you. You told me *inaudible*. You told me that you wanted no personal relationship-you told me that...

SN: I don't wanna... We can't work without a personal relationship, that's not what I said. I said physical. That's what I said.

WL: And physical is fine. I mean I get that. I mean, I understand that.

SN: Two people can work together and be friendly, just like you walked in and said good morning to Jackie this morning, that's friendly. You have a personal relationship with Jackie, that's friendly.

WL: Um. But she doesn't do what you do. See, that's, I think that's the hard part of this. I think that's the part that you're not understanding is that there's a, I'm trying to figure out how to explain it. I hired you because multiple reasons part of which was your ability to sit in this office and tell me what was wrong (inaudible) or not. I'm not gonna sit here and tell you there wouldn't be a rebuilding phase. There would be, it would take time, um. And I'd be willing to uh to let it happen um but again I think that you and I are just so far apart right now on where we are in this whole thing. Inaudible. Now you've pushed to where I was. (inaudible)

SN: The way that you acted when I told you that I was giving you a two weeks' notice or when you asked me and I said yes, immediately gave me my answer.

WL: Why?

SN: Irrational.

WL: I told you that I was going to rip the band aid off. I told you that earlier. I said to you, that's what I'm going to do.

SN: Ok

WL: So if you're, I mean, if my response to how you said that was any different than how you expected it to be

SN: It wasn't. That's the thing. I know you and I know your patterns. I know your, I know you Will. And I know that.

WL: That's cool. Ok. Um. So. We're at zero right?

SN: Yeah, I'll give Ryan my phone and um.

WL: And it's all because of how I reacted when you gave your two weeks' notice?

SN: No

WL: Ok, alright, that's cool.

SN: It's how you're acting right now. Like you're...

WL: I can't. I want you to stay. I want you to stay more than I can probably express in words, ok. I want you to stay because of the value you have, not only to me, but to this agency and on top of that the value that you bring to command staff. If this is not for you, if you want to go somewhere else what I can do as a former friend to get you where you need to be.

SN: We can't work together as former friends, Will.

WL: We can work together in a professional capacity. We can if you want to. If you're telling me we can work on re-building the friendship, and that's what you want to do then we can do that as well, but that will be a side note to the professional side of what we do that is it, I mean that's the only way we can do it. It can't, When you challenged-when you challenged my integrity, that hurt me more than anything because I told you that I would not lie to you and I still did not lie to you.

SN: You went behind my back to call Ty and prep her.

WL: I did not prep her. I absolutely did not prep her.

SN: You told her we were fighting about a funeral.

WL: No, I told her that we had a fight. What she interpreted from that is her business. I did not tell her we were fighting about the funeral. I told her...I told her that our personal relationship has interfered with the business instead of (inaudible).

SN: Why? Why did you have to call Ty?

WL: Because I knew Ty would call you.

SN: You knew I would call Ty.

WL: I knew that you would call Ty. I knew that you would call Ty because she is the person that you can rely on and I could not get an answer from you as to whether or not you were going to come back to work and I had to make that decision, Savannah. I had to.

SN: Why? Why couldn't it have waited until today? What...

WL: Because I can't let it go. (inaudible) And you told me that you did not want to have the conversation over the phone and I didn't know any other thing to do. I didn't know what to do. I had no idea what I was supposed to do, but the protocol, alone, just the mere protocol, just the mere fact that and I'm not quoting you protocol here, but just the mere fact that someone who I did not know was going to come back to work or not, just that alone right there, based on all the information that you had, based on the access to everything that you have... I don't know if you know that or not but you have access to everything in this agency that I have access to. You have access to OPR files, NCIC, which is epic, you have access to V-connect. You have access to everything and with that, with all of that, anybody else would've been locked completely out.

SN: And I was.

WL: No you weren't. You were not locked out of anything.

SN: Ok.

WL: Did you get in the back door this morning? Could you walk in the back door this morning?

SN: I was locked out of my computer, my e-mail...

WL: your email?

SN: everything. It's fine. You don't have to explain yourself.

WL: Your email password was Allison 7 which was the next one in line.

SN: Ok, Ok.

WL: That's was what your email was. You're not even listening.

SN: I am listening Will. What else do you want me to say?

WL: I just...I'm not, I'm not, the hardest part for me is the fact that you question whether or not I lied to you and that's gonna be the hardest part for me, that's it and that's what it boils down to. You don't have to like me, you don't have to understand me, you don't have to appreciate me at all, but I am proud of myself in the fact that that I am direct and truthful (inaudible)....yesterday...

SN: What does that mean?

WL: (inaudible)

SN: I'm talking about...what did...

WL: It has nothing to do with anything...nothing (inaudible) I just realized that sometimes, that the truth has to come balanced by light and I learned that yesterday. Truth has to be balanced by light. You have to accept that, in order for you to deliver the truth accordingly you have to include light. The message may be truthful, but you have to be considerate, more than tactful, you have to be considerate in how you say it and I did not do that well.

SN: You've treated me like crap, Will.

WL: Exactly. That's exactly right. (inaudible) I have no right at all to sit here and yell at you. I have no right to sit here and yell at you. But I was well past the point because at that point, when you challenged my integrity and I could not, I would have fired anyone else, no question, if it were not true. If it were not true then I would've fired anybody else that challenged my integrity, on the spot. Um. And you know, I haven't talked to, in full disclosure, in complete 100% disclosure, and I was so lost, that I hit the panic button and my panic button is Meredith. So I called her and I said what do I do? And um she gave me some pretty solid advice and she explained a few things to me, she told me where I was, what I did, and how I did it and I was touched by that. She said that my biggest problem was that I'm grey. I am not black and I'm not white. I'm grey, and she said with your grey, she said, comes serious confusion and I told her, I said I want the relationship that you and I have with Savanah. I said *inaudible*. And she chuckled and said I couldn't be in that position. She said, I couldn't do what she does professionally. But she said that you're very, very grey and no one else understands that, but me. She said every one of or friends thinks it's the most fucked up thing they've ever seen in their whole life and nobody else understands it. She said but to you and I, it makes perfect sense. That's what

she said. So. My, I said what do I do? How do I fix it? She said you have to try and salvage it and uh, so this is my attempt at salvaging. And I guess trying to... (inaudible)

SN: Was your attempt at salvaging it when you just pulled Ryan in here and told him Savannah's gonna give you her phone, access to her email, everything within 30 seconds of me telling you that I'm leaving? Was that an attempt to salvage it?

WL: No, that's the band aid. That's the rip.

SN: Ok. Well that's in the wrong order.

WL: I understand that. I do. I understand, but the look on your face when you said yes to me when I said is this your two weeks' notice... There was no hesitation, none, there was not-there was zero hesitation.

SN: Put yourself in my shoes, Will. Would there be any hesitation for you. Put yourself in my shoes.

WL: I can't put myself in your shoes. I just can't. If I put myself in your shoes we wouldn't be in this situation.

SN: Why?

WL: Why would we not be in the situation we're in right now? Because if I could put myself in your shoes than I would have resolved or solved the situation before it came to be

SN: So it's my fault and I should've resolved it?

WL: No, I'm telling you that if I could put myself in your shoes, knowing me the way that I do, then I could've resolved the situation before. That's not fair to you. That's not fair to you at all. You don't know me like I do. You can't resolve the situation like I can. (inaudible) I value the fact that I thought that we had such a connection that, my interpretation of *inaudible* and that was um

SN: It's not fair to me. To have to read you all the time, and follow your moods. And that's what I've been doing, Will. I've been trying to appease you and all of your moods and trying to keep you level-headed and trying to keep you happy, and I can't do it.

WL: You don't have to keep me happy.

SN: I do. For my happiness. Everyday...if you're not happy then my day is shit. So, I do and I can't keep up with it. I can't keep up with your moods. Like.

WL: That's fair, but again at the same time, if I can offer some constructive criticism, if I can offer that...

SN: Sure

WL: Sometimes you try, to your detriment, to analyze what you (inaudible)

SN: That's just me, as a human being, that's just me. There's nothing I can do about that.

WL: (inaudible) ...this every day. I felt like a lot of times I felt read every time I did something because you would even make the smallest comments about "What is that? I don't understand what you're doing there. Even with the...

SN: I'm just asking.

WL: I get it. I appreciate it. You told me that that was you. You've never said that to me before but I always understood that you were just simply trying to analyze every decision that I made, in the position that you're in. Not in a bad way. You were... That's just who you, that's just what you do.

SN: I just want to know why people do the things they do. That's all.

WL: And I...I... but you said that's who you are. That's the first time I've heard that. First time I've heard you said that. I thought there may have been ulterior motives in it, not bad ulterior motives-just ulterior motives. When I say things, I mean them. There's not anything to read into what I say and then when I'm quiet there's a reason for it. I did appreciate, there were several times when I would be and you would ask me "What's on your mind? What are you thinking" (inaudible) But it boils down to this, it boils down to exactly what I said about my (inaudible) There's two things - one I'm very grey and two *inaudible* about myself, so one of those things, with all of that combined, um, this is where...this is where we are. It is my impression, my understanding, that you have made your decision (inaudible)... and that's what it boils down to. I mean that's (inaudible) and as much as you may have wanted me to make the decision for you or as much as you may have decided that no matter what I said, you were going to do what you wanted to do any way. I don't know which one it was, and I don't care.

SN: You think this is what I want to do Will?

WL: No. I'm simply offering my (inaudible)

SN: You screamed at me on the phone all week last week telling me that you're not going to take responsibility for the conversation, blaming it all on me, cussing me, but yet I want you to make this decision for me because...It doesn't make any sense. You're not making any sense.

WL: No, what I'm telling you is I don't want to (inaudible)

SN: I'm all about taking responsibility for your actions.

WL: Okay, then let's step back, let's step back just a little bit. All right, if there were a possibility of you staying what would you need to hear? What is it (inaudible)

SN: I don't know. I mean I think I've heard all I need to hear from you.

WL: Ok. I acted inappropriately and irrationally last week (inaudible) where the conversation was probably, looking back on that conversation, and based on my previous

actions from several weeks ago, I can definitely understand how that could have been construed the way it was. My response to the funeral...I (inaudible) really didn't mean anything by it when I said you don't have to come. With that,

SN: I don't want to hash out the same argument we had then...

WL: I'm not hashing it out, I'm just simply telling you that that absolutely was the wrong response. I gave you the worst of me last week when I gave you the best of me when you started, and I gave you the worst of me last week... so I guess the pro to it is you've seen the best and the worst. The con to it-the con to it is the worst was the last thing you saw and either way, it ultimately boils down to my inability to control my emotions last week have not only led to the loss off an employee, which I can handle that, I can fill your spot, but I lost what I feel like was my best friend in the process and with all that combined, my feelings for you personally, friendship perspective and you know what I am sitting here telling you "as former friends" because I have got to somehow get past it because that's the hardest part for me, so I'm trying to tell myself something like that, um, but it's not true, it's not true because you're still-you're still my best friend and as much as I don't want to admit it that's the part I just simply can't, I understand that what you say that trust will have to be rebuilt, it's irrelevant what I think. It's what you believe that counts and um and that's *inaudible*. The last time I felt this way, the last time was when I buried Drew, when I lost drew, and there was nothing I could do at his funeral. (inaudible) This is my attempt to salvage this. It's not about what happened. It's the rejection of it. It's the rejection of it that I think gets me. It's like everything else for me.

SN: Yeah I know. You can't take rejection well.

WL: I know. I know I can't. And that's (inaudible). That's my thing. And the last thing...and I want people to challenge me on it and I still want to work around it and I want to get through it and I just can't. Um. So with that, I can honestly say that I am truly beyond words sorry (inaudible). My chest-my heart is absolutely broken.

SN: Mine is too. Um I'm going to go home and get myself together and um then I'll come back to get my stuff.

WL: Thank you for everything

SN: Thank you.

End of Recording

RECORDING #11 – 11:36 duration

Date: 4/24/17, Including: Savanah Nabors, Will Lewis

WL: Give me the chance. Ride with me. If I can't give you a reason in the next few minutes when you come back, you don't even have to come inside. You can get in your car and go.

SN: That's the thing Will. After thinking about all of it, I just feel so manipulated. And I don't know.

WL: I have, in no way, manipulated you. Or tried to. My manipulation is very, very different. It's devious and it's evil. When I manipulate people and I do that for the advantage of myself only, not for a relationship. Whether it's work or whether it's something else. I am completely capable of manipulating you. I choose not to. Ok. Alright.

SN: I feel sick

WL: Yeah, where the fuck did they even get this. This is not mine. Where did I even get this? I don't even like coconut. Ok, um. Alright, hands off. There's my air hug. This is me patting you on the back.

SN: Thanks.

WL: Well then come here. If...come here. Alright. That's cool.

SN: What's cool, Will? What?

WL: No, that's cool. I get it. I understand. I mean I get it. I get it. I'm saying that's cool. Like, I understand. I understand. That specific moment just now was complete clarity.

SN: I'm glad you have clarity that's great.

WL: I mean I get where you are now. I mean I do.

SN: Because of a hug? See you read into everything.

WL: No, two weeks ago when you gave me a hug, it was here and it was here and it was here. And I understand.

SN: I'm broken.

WL: I know. Now I see, now I get it, now I understand. That's what I'm telling you. It's cool. I understand it. I understand how broken you are and you're as broken as I am, but more so.

SN: Yeah because I lose everything, Will. You keep everything you have and I lose everything.

WL: I give you, I'm giving you...got that throw up feeling that you've got. I'm giving you

SN: This is unhealthy. It is inappropriate and everyone in this office knows it.

WL: No they don't

SN: Yes they do. Ty told me everybody knows.

WL: How the fuck does everybody know? Who said what?

SN: hey just know that it's inappropriate. We're too close, everybody knows we're too close.

WL: But that's what I want in this position. Fuck everybody else. I don't give a fuck what everybody wants. The reason I'm as good as I am at what I do is because you sit in my office every day and I can vent to you and I can tell you what's on my mind and we can go through conversations and you tell me where I fuck up and you tell me where I don't fuck up. That's why we have those conversations in my office, that's why I'm as good as I am. If you leave me. If you walk out the door today, and you're gone, that changes everything for me.

SN: I have to. I don't have a choice, Will. If I stay this is going to be on news channel freaking seven. Like...

WL: No it's not.

SN: Yes, it is. You're not seeing it. Open your eyes. Like...

WL: Savanah, this will not be on any news channel anywhere for any purpose. This is not going anywhere. That's what I'm telling you. I can repair this. I can repair this friendship. I can repair this relationship. I can repair this business relationship and if we start off from the beginning and we move forward from here, unstoppable, that's all I can say. Unstoppable.

SN: What's your problem?

WL: Well, I'm saying, from my perspective, it's Ty.

SN: No, no I'm not talking about that. I'm talking about Ty told me that everyone in the office thinks something is up and that it's inappropriate and that we're too close and I ride with you everywhere, I go to lunch with you, I go to dinners with you. I...

WL: I don't fuckin care what those people think and I can't do anything about that. I told you that I was here for one purpose, and one purpose only and that was to fix the problem. I'm fixing the problem at any and all cost and I'll continue to do that and everyone else's opinion of me or relationship with me or what they think of what I do and how I run this agency is irrelevant. I've got a four year contract. I do my job for four years, then I'm fine. That's it. I wanted you to take advantage of every opportunity you had within the next four years to do whatever it is you can do to better yourself in the future. That's it. The joy was that I got to bring my friend along to do it and that's it. Everybody else, it doesn't matter. Yeah I can set Ty up and I'm gonna set her up...for success. And the same goes

for Marcus, but everybody else. You know what that told me right there when I said something to him? When there was no reaction at all, you know what that told me?

SN: What?

WL: That he wanted to move up at all cost. That's what that told me and I know what I'm gonna do now. It told me that he was more concerned with people than his ability to do something. That's what that told me.

SN: Yeah he doesn't care

WL: Well that's not cool because he's in a position to care and he should. The first thing he should've done was turn around and look at you and say, "Are you okay?" But he didn't. Lyle, I completely get it because Lyle's just strictly professional. Lyle just does what he's told to do and that's it, that's all he does, that's it.

SN: I know that you want to rip the band aid off of this thing and be done with it and I do too. But I would ask that you just give me until the end of the day to think over everything that you just said and if you don't want to give me until the end of the day then that's fine.

WL: So you want me to put everything on hold? Are you able to take calls today? Are you able to schedule things today? And see here's where I go next...I don't know where I go next.

SN: No, I can't, I can't do it.

WL: Ok...With all my love and all my heart and all my soul, I cannot express to you how heartbroken I am and how I want to fix all of this. But if you can't do it and you're not gonna do it, with that, understand that I'll take care of you as much as I possibly can but if this is it then. I cannot talk to you anymore.

SN: ok

WL: On that, I am going to give you a hug if that is okay with you...

SN: Yeah

WL: I couldn't be any more sorry.

SN: Me too.

End of Recording



Receipts

HYATT house Charlotte/Center City
435 East Trade Street
Charlotte, NC 28202
Phone: 704-373-9700
Fax: 704-373-9800

INFORMATION INVOICE

Payee Will Lewis
4 McGee Street
Greenville SC 29601
United States

Confirmation No. 3713845601

Group Name

(Nabois)
Room No. 1402
Arrival 03-07-17
Departure 03-09-17
Page No. 1 of 1
Folio Window 1
Folio No.

Date	Description		Charges	Credits
03-07-17	Parking Valet			
03-07-17	Guest Room	493	26.00	
03-07-17	State Sales Tax 7.25%		209.00	
03-07-17	County Occupancy Tax 6%		15.15	
03-07-17	City Occupancy Tax 2%		12.54	
03-08-17	Parking Valet		4.18	
03-08-17	Guest Room	491	26.00	
03-08-17	State Sales Tax 7.25%		209.00	
03-08-17	County Occupancy Tax 6%		15.15	
03-08-17	City Occupancy Tax 2%		12.54	
03-09-17	Visa		4.18	
				533.74

Total	533.74	533.74
Balance	0.00	

Guest Signature

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RedEye Diner
210 E. Trade Street
Ste #C-149

Server: Sophia
10:45 AM
Table 18/1

DOB: 03/09/2017
03/09/2017
5/50043

SALE

Visa 5242901
Card #XXXXXXXXXX4260
Magnetic card present: DAVENPORT MARCUS
Card Entry Method: S
Subtotal 40.43
Approval: 089166 8.25% 3.34
City tax
Amount: \$43.77
+ Gratuity: 10.00
= Total: 53.77

I agree to pay the above
total amount according to the
card issuer agreement.

X _____

Thank you and Come Again!

*****Guest's Copy*****



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435 East Trade Street
Charlotte, NC 28202
Phone: 704-373-9700
Fax: 704-373-9800

(MAY 2017)

INFORMATION INVOICE

Payee Will Lewis
4 McGee Street
Greenville SC 29601
United States

Confirmation No. 3713842701

Group Name

Room No. 1110
Arrival 03-07-17
Departure 03-09-17
Page No. 1 of 1
Folio Window 1
Folio No.

Date	Description	Charges	Credits
03-07-17	Parking Valet	492	
03-07-17	Guest Room	28.00	
03-07-17	State Sales Tax 7.25%	209.00	
03-07-17	County Occupancy Tax 6%	15.15	
03-07-17	City Occupancy Tax 2%	12.54	
03-08-17	Parking Valet	4.18	
03-08-17	Guest Room	28.00	
03-08-17	State Sales Tax 7.25%	209.00	
03-08-17	County Occupancy Tax 6%	15.15	
03-08-17	City Occupancy Tax 2%	12.54	
03-09-17	Visa	4.18	
			533.74

Total	533.74	533.74
Balance	0.00	

Guest Signature

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Subtotal 112.50
8.25% 9.28
121.78

=====
** Customer Copy **
Aria Tuscan Grill
Tab: 107

Sport F. 3/8/2017 8:20 PM

Transaction # 484742
Visa

Amount \$121.76

TIP: 24.00

TOTAL: 145.78

Davenport Receipt
Rooster's Wood Fired Kitchen

150 N College St

Suite 1000

704-370-7667

Server: Jen B 03/08/2017

Table 51/1 2:12 PM

Guests: 0 40018

Ravioli 18.00

Coke (3 @2.50) 7.50

CAB Burger (2 @16.00) 32.00

Chevre

CAB Burger 15.00

Macaroni and Cheese (2 @10.00) 20.00

FRIED EGG 2.00

Iced Tea 2.50

Pepperoni Pizza 10.00

Subtotal 107.00

Tax 8.82

Total 115.82

VISA #XXXXXXXXXXXX4260 57.91

Gratuity 11.00

Total 68.91

Auth:007374

VISA #XXXXXXXXXXXX6671 57.91

Gratuity 12.00

Page 1

Davenport Receipt

Total

69.91

Auth:098288

Thank You!

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435 East Trade Street
Charlotte, NC 28202
Tel: 704-373-9700
Fax: 704-373-9800

INVOICE

Payee Will Lewis
4 Mcgee Street
Greenville SC 29601
United States

Room No. 1310
Arrival 03-07-17
Departure 03-08-17
Page No. 1 of 1
Folio Window 1
Folio No. 207121

Confirmation No. 3713847101

Group Name

Date	Description	Charges	Credits
03-07-17	- H Bar Dinner Food	Room# 1310 : CHECK# 7618	139.10
03-07-17	Parking Valet	491	26.00
03-07-17	Guest Room		209.00
03-07-17	State Sales Tax 7.25%		15.15
03-07-17	County Occupancy Tax 6%		12.54
03-07-17	City Occupancy Tax 2%		4.18
03-08-17	Market Food	Post It No.4894720	2.50
03-08-17	Market Food	Post It No.4894720	2.00
03-08-17	Market Food	Post It No.4894720	2.00
03-08-17	Market Food	Post It No.4896011	2.00
03-08-17	Market Food	Post It No.4896011	2.00
03-08-17	Parking Valet	493	26.00
03-08-17	Market Food	Post It No.4898469	2.00
03-08-17	Market Food	Post It No.4898469	2.00
03-08-17	Market Food	Post It No.4898469	2.00
03-08-17	Market Food	Post It No.4898469	2.00
03-08-17	Guest Room		209.00
03-08-17	State Sales Tax 7.25%		15.15
03-08-17	County Occupancy Tax 6%		12.54
03-08-17	City Occupancy Tax 2%		4.18
03-09-17	Visa	XXXXXXXXXXXXX7588 XX/XX	118.60
03-09-17	Visa	XXXXXXXXXXXXX4260 XX/XX	572.74

Total 691.34 691.34

Guest Signature

Balance 0.00

I agree that my liability for this bill is not waived and I agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of these charges.

WE HOPE YOU ENJOYED YOUR STAY WITH US!

World of Hyatt Summary

No Membership to be credited

Join World of Hyatt today and start earning points for stays, dining and more. Visit www.worldofhyatt.com

Thank you for choosing HYATT house Charlotte/City Center. Our goal is to provide every guest with an exceptional stay, and we are interested in any comments regarding your visit.

Please remit payment to:
HYATT house Charlotte/City Center
435 East Trade Street
Charlotte NC, 28202



HYATT
house

435 East Trade Street
Charlotte, NC 28202

1348849 Ray

9

CHK 7618

1310

MAR07'17 10:07PM

DINE IN

1 SPEC COCKTAIL	12.00
1 SVEDKA	8.25
1 SPEC COCKTAIL	12.00
1 CHICK NAC GRANDE	11.50
1 CHIPS&DIPS	9.00
1 BACARDI LIGHT	9.25
1 BACARDI LIGHT	9.25
1 BACARDI LIGHT	9.25
1 MICHELOB ULT	5.50
1 BULLIET	9.25
1 SPEC COCKTAIL	12.00

Food	20.50
Liquor	81.25
Beer	5.50
TAX	8.85
PAYMENT	139.10
\$ CHARGED TIP	23.00

1310

1310/Lewis

ROOM CHARGE

139.10

--1348849 Closed MAR07 10:58PM--

TIP: _____

TOTAL: _____

ROOM #: _____

NAME: _____



HYATT
house

435 East Trade Street
Charlotte, NC 28202

1348849 Ray

8

CHK 7618

1310

MAR07'17 10:07PM

DINE IN

1 SPEC COCKTAIL	12.00
1 SVEDKA	8.25
1 SPEC COCKTAIL	12.00
1 CHICK NAC GRANDE	11.50
1 CHIPS&DIPS	9.00
1 BACARDI LIGHT	9.25
1 BACARDI LIGHT	9.25
1 BACARDI LIGHT	9.25
1 MICHELOB ULT	5.50
1 BULLIET	9.25
1 SPEC COCKTAIL	12.00

SUBTOTAL	107.25
TAX	8.85
TOTAL DUE	\$ 116.10

TIP: 17.00

TOTAL: 123.10

ROOM #: _____

NAME: _____

Signature

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

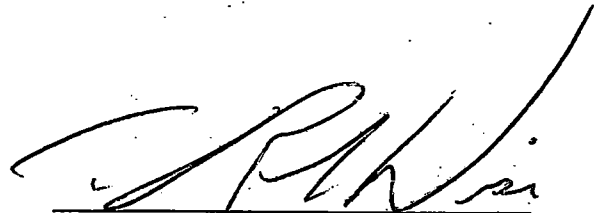
The State,)
)
)
-vs-)
)
William D. Lewis,)
)
)
Defendant.)

Case № 2019-GS-23-001146A

Motion for Bond Pending Appeal

William D. Lewis hereby moves the Court to grant him an appeal bond pursuant to S.C. Code § 18-1-90. The Defendant is eligible for an appeal bond as he received a sentence of less than ten years. This court should consider the probability of a reversal of his conviction, the nature of the crime, the probability of flight by the defendant, and the circumstances of the defendant.

October 24, 2011



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S. C. Bar № 06188

Attorney for William D. Lewis

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF GREENVILLE) IN THE COURT OF GENERAL SESSIONS
3

4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
6 -vs-) 2019-GS-23-01146
7 WILLIAM D. LEWIS,) NOVEMBER 12, 2019, 2019
8 DEFENDANT.) LAURENS, SOUTH CAROLINA
9

10
11 B E F O R E:

12 THE HONORABLE G. THOMAS COOPER, JUDGE.
13
14
15

16
17 A P P E A R A N C E S:

18 KEVIN BRACKETT, SOLICITOR FOR 16TH JUDICIAL CIRCUIT
ATTORNEY FOR THE STATE

19 C. RAUCH WISE, ESQUIRE
20 ATTORNEY FOR THE DEFENDANT
21
22
23

24 MICHAEL R. WATTS
25 CIRCUIT COURT REPORTER

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WITNESSES

PAGE

(NO WITNESSES CALLED)

1	EXHIBITS			
2	NO.	DESCRIPTION	ID.	EV.
3	(NO EXHIBITS MARKED)			
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1 (PROCEEDINGS, NOVEMBER 12, 2019)

2 THE COURT: This is a motion for an appeal bond
3 filed by Mr. Lewis.

4 Mr. Wise, you may proceed.

5 MR. WISE: Your Honor, as we have discussed, the
6 sentence in this case was one year. Your Honor has the
7 authority to set an appeal bond in this case because it is
8 under ten years. Otherwise it would have to be set by the
9 appellate court.

10 We have waived -- and I should put on the record
11 we waive Mr. Lewis' presence here today due to the fact that
12 logistics of moving him from North Carolina to a hearing
13 that we arranged some, not necessarily a short basis, but
14 relatively short basis, I think it would just have been
15 difficult to have coordinated it as well if he were here.
16 He testified at the trial. He gave a statement at the time
17 of sentencing, so I think the court is well aware of his
18 background, his feelings on this case, and so forth. I
19 don't know what he could add.

20 I would like to tell the court that we have in the
21 courtroom here today Wayne Bray -- Reverend Wayne Bray,
22 Casey Childers, Jason Davis, Eric Snyder, and his mother
23 Brenda Lewis, who are here on the front row. Ms. Lewis is
24 on the second row. They are friends of Mr. Lewis. They
25 have known him. They wanted to come down here for this

1 hearing. If the court wants to hear from them, we can have
2 them basically talk about that.

3 As the court knows, I think the chances of his
4 being a flight risk are virtually nil. He is a property
5 owner in Greenville County where he's been residing for a
6 good number of years. He has all the family ties to
7 Greenville County. And also in view of the sentence he
8 received, or course, of course, that certainly minimizes the
9 chances of his being a flight risk in this particular case,
10 so I think he is eligible for a bond in this matter, a
11 reasonable bond. He was on a personal recognizance bond
12 originally. He showed up for all of the hearings he was
13 required to be at, showed up for his trial, and His Honor,
14 after he was convicted, let him go home that night and he
15 showed back up the next day. So he has a history of
16 demonstrating compliance with the rules imposed by the court
17 and I think that would be certainly something that would
18 continue on his behalf in this area, so I don't think he's a
19 flight risk.

20 His Honor knows the facts of the case and the law
21 that we argued in this case and there was a very, very
22 lengthy discussion trying to formulate what I still contend
23 is a vacant statute of exactly how it should be worded and
24 it probably does need to be clarified in this state and
25 that's what we will intend to do on the appeal, but --

1 THE COURT: But you filed the notice of appeal?

2 MR. WISE: Yes, sir, we filed a notice of intent
3 to appeal. We mailed it on the Friday after the day of the
4 sentencing. It should have been filed on Monday of that
5 week with the appellate court.

6 THE COURT: It's timely?

7 MR. WISE: Yes, sir, it was timely.

8 THE COURT: All right. Anything else that's been
9 filed with the appellate court?

10 MR. WISE: We -- the only -- nothing else has been
11 failed with the appellate court.

12 THE COURT: You have ordered the transcript?

13 MR. WISE: We've ordered the transcript. That was
14 ordered I think last Friday, or Monday of this week. I
15 can't remember which right now, but we have ordered the
16 transcript, yes.

17 THE COURT: Okay.

18 All right. What's the State's position?

19 MR. BRACKETT: If it please the court, Your Honor,
20 we do not contest that the court has the authority to set a
21 bond. We have reviewed the applicable law and we believe
22 that from that we can infer that Circuit Court has authority
23 to grant an appeal bond in cases where the sentence is ten
24 years or less; that if it is in excess of ten years, the law
25 restricts the setting of an appellate bond to the Supreme

1 Court. However, in this case the defendant was sentenced to
2 one year, so we do believe that under the law this court can
3 set a bond, if you decide you would think it is appropriate.

4 In considering whether to set a bond, we would
5 refer the court Nichols v. Patterson at 202 S.C. 533, which
6 establishes the matters to be considered by a court in
7 determining whether it's appropriate, the probability of
8 reversal; the nature of the crime; the possibility of
9 escape; and the character and circumstances of the accused.

10 We do not contest that Mr. Lewis was released
11 during the pendency of the trial on a recognizance bond and
12 that he did appear in court every time that he was summonsed
13 to appear, so we do not contest that we believe he would
14 appear -- he would continue to appear, if you did release
15 him.

16 However, we would ask the court to carefully
17 consider the one factor in Nichols, which is the probability
18 of reversal. That to us is the most telling and probably
19 the most important factor to be considered. What is the
20 likelihood that Mr. Lewis is going to have a reversal in
21 this matter? The thrust of issues that -- the issues that
22 Mr. Wise can bring on behalf of his client to the Court of
23 Appeals or the Supreme Court centers on the statutory
24 scheme, and I believe he objected to the fact that he was
25 charged under both the common law and the statutory common

1 law -- the common law misconduct and the statutory
2 misconduct. The jury acquitted him on the common law
3 misconduct and only went forward and convicted him on the
4 statutory, so I believe that that matter is moot. I don't
5 think that that appellate issue is really going to be a
6 factor going forward.

7 The next one is the vagueness. He contends -- he
8 had contended at trial that the statutory misconduct was
9 vague, and I would refer the court to Toussaint v. State
10 Board of Medical Examiners at 303 S.C. 316, where the
11 Supreme Court declared that "one whose conduct the law
12 clearly applies does not have standing to challenge it for
13 vagueness."

14 In this matter I would refer the court's attention
15 to the testimony of the defendant. He admitted on the
16 witness stand the central components of the charge, which
17 was that he was intending to take Ms. Neighbors to Reno for
18 the purpose of furthering his sexual overtures with her, and
19 that -- and that -- he was doing that at the public expense.
20 That's the heart and soul of the case and I don't think that
21 there really is -- when someone admits at trial the heart of
22 the matter, there is really not much that can be litigated
23 on appeal. The law, whether it's vague or not, in other
24 cases is to be decided based on the facts and circumstances
25 of those cases, but in this particular case his conduct was

1 clearly embraced by the terms of the statute. So I would
2 contend that he really doesn't have any probability of
3 reversal in this matter, based on the objections that I
4 heard at trial, and, of course, Your Honor is in the very
5 best position, having presided over to trial to determine
6 whether or not that argument is meritorious, but I do
7 believe that that --

8 THE COURT: Well, solicitor, if -- if there is any
9 merit to the defendant's appeal, isn't it true that if he
10 were required to serve -- if the motion is denied and he was
11 required to serve his sentence, in all likelihood, almost a
12 hundred percent certainty, that he will have served the
13 entire sentence before this case is ever heard before an
14 appellate court?

15 MR. BRACKETT: That is true, yes, sir. I can't
16 dispute that.

17 THE COURT: All right. Go ahead.

18 MR. BRACKETT: So I would -- my position would be
19 that an appeal bond was not appropriate, understanding what
20 you are saying, having -- if there is any merit, if the
21 Supreme Court were --

22 THE COURT: Any part.

23 MR. BRACKETT: -- then he would have served the
24 sentence and there would be really no remedy for him, so I
25 certainly understand your position.

1 THE COURT: Right.

2 MR. BRACKETT: In the event that the court decides
3 that an appeal bond is appropriate, we would ask that it be
4 a surety bond and that a bondsman be assigned, the bondsman
5 be required that upon conclusion of the appeal, if the
6 appeal is unsuccessful, when the matter is concluded, that
7 appellate counsel be required to notify the bondsman
8 immediately and that the bondsman be required to surrender
9 the defendant within 24 hours of notification so that the
10 matter is not lingering out there. We've had situations
11 before where in lengthy appeal people forget they are on
12 bond, and that's obviously not something that the public has
13 an interest in seeing justice carried out, in the event that
14 the appeal is unsuccessful.

15 The only other condition that we would ask the
16 court to impose is that the defendant, while on bond, either
17 directly, or through family, or any other party should not
18 reach out and contact Savannah Neighbors, the witness in
19 this case.

20 THE COURT: All right.

21 MR. BRACKETT: Thank you.

22 THE COURT: Mr. Wise, anything?

23 MR. WISE: First of all I would start out by
24 saying we would agree with those terms and conditions. They
25 are all reasonable terms.

1 In dealing with the probability of reversal, I
2 would like to just kind of look at the case this way. If
3 Mr. Lewis is denied bond and required to serve his year and
4 I reverse it and it's not -- well, back up.

5 If Mr. Lewis is granted a bond and he's out and
6 the Supreme Court affirms the conviction, Mr. Lewis can
7 always give the State of South Carolina that one year.

8 However, if Mr. Lewis is not granted a bond and
9 the South Carolina Supreme Court reverses the case, the
10 State of South Carolina can never give him back that one
11 year. So I think that's the compelling argument to grant
12 bond in this case, even if it's not a strong probability of
13 reversal on appeal, although I think it is.

14 And I note with interests that the Reno trip under
15 the wording of the indictment whereas there was discussion
16 of misusing of county funds, it certainly would not qualify
17 as a misuse of funds because no funds were spent on it, but
18 I think that just kind of to me illustrates the vagueness of
19 the statute, if that could be included as the basis for
20 misconduct in office, but as we say, the probability of his
21 not showing up is very, very slim in this case, probably as
22 slim as anybody who I've ever represented. I think he's
23 entitled to a reasonable appeal bond in this matter.

24 THE COURT: All right.

25 Well, I've thought about this since the motion was

1 filed. I cannot find that -- based on the trial and trial
2 testimony and his actions during the trial, I cannot find
3 that he's a danger to the community, which is a factor I
4 must consider.

5 I cannot find that he is a flight risk,
6 considering all of his behavior prior and during trial. And
7 I think we -- I can limit his ability to flee anyway,
8 because I think he's going to have to stay within the State
9 of South Carolina. I'm going to have to -- if he has a
10 passport, he's going to have to surrender a passport, but
11 I'm going to grant your motion, Mr. Wise, subject to the
12 conditions as outlined by the solicitor, that there will be
13 a surety bond in the amount \$50,000; that in the event that
14 at the conclusion of the appeal, if the appeal fails, that
15 appellant counsel notify the bonding company immediately
16 that so Mr. Wise can be taken -- I'm sorry, so that Mr.
17 Lewis can be taken into custody and serve his sentence at
18 that time. But until that time, and as I said, the
19 likelihood that this case will be resolved on appeal, I
20 would -- well, it's anybody's guess, but I think clearly it
21 would not be within a year that the case would be heard and
22 resolved one way or the other.

23 So I'm going to order that there be no contact
24 with the complaining witness in this case, Ms. Neighbors,
25 and that means -- I hate -- I have to explain no contact to

1 defendants all the time, because it means social media
2 contact. It means third-party contact. It means any
3 contact that can be attributed to Mr. Lewis and that's a
4 condition of bond. If it's violated, he will be taken back
5 into custody. And as I say, the passport must be
6 surrendered and his travel should be limited to the State of
7 South Carolina.

8 Anything further?

9 MR. WISE: We would request that you also
10 authorize the magistrate in Greenville County to fill out
11 the paperwork in this case, because Mr. Lewis will have to
12 be brought back to Greenville to sign it himself, but that
13 would -- and, of course, impose the terms and conditions of
14 the order.

15 THE COURT: Any problem with that, solicitor?

16 MR. BRACKETT: No, Your Honor.

17 THE COURT: All right. Granted.

18 MR. WISE: Thank you.

19 THE COURT: Will you produce an order --

20 MR. WISE: I will.

21 THE COURT: -- based on this hearing today?

22 MR. WISE: I should be able to have one for you
23 shortly.

24 THE COURT: All right.

25 MR. BRACKETT: And the order will be given to the

1 magistrate and appended to the bond so that the terms and
2 conditions are --

3 MR. WISE: Correct.

4 MR. BRACKETT: -- adhered to?

5 THE COURT: Pass it by the solicitor before you --

6 MR. WISE: All right.

7 THE COURT: Thank you very much.

8 MR. WISE: Thank you.

9 MR. BRACKETT: Thank you, Your Honor.

10 (END OF REQUESTED TRANSCRIPT OF RECORD)

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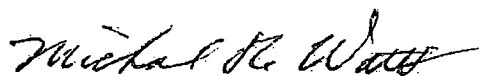
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CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 12th day of November, 2019.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 19, 2020



Michael R. Watts
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF GENERAL SESSIONS

The State,)
)
)
-vs-)
)
William D. Lewis,)
)
Defendant.)

Case № 2019-GS-23-001146A

Order for Bond Pending Appeal

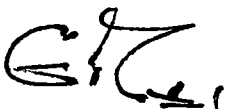
13 NOV 14 PM 1:42
Paul Wickensmeyer CJC 611 SC

William D. Lewis has moved the Court to grant him an appeal bond pursuant to S.C. Code § 18-1-90. The State filed a response in opposition to the Motion for Bond. The Defendant is eligible for an appeal bond as he received a sentence of less than ten years. This court should consider the probability of a reversal of his conviction, the nature of the crime, the probability of flight by the defendant, and the circumstances of the defendant.

The State argues that the probability of success on appeal is low as this Court properly ruled on all issues. In addition, by the jury finding Mr. Lewis not guilty on the common law offense, many of the arguments of defense counsel were rendered moot. The issues involved in this case were strongly contested by both sides. After carefully considering all the required factors as to setting an appeal bond in this matter, the Court is persuaded that Mr. Lewis is entitled to an appeal bond in this matter.

Therefore, based upon the argument of counsel by both the State and the defendant, the Court orders that William D. Lewis shall be released on an appeal bond subject to the following terms and conditions:

1. Mr. Lewis Must execute a surety appearance bond in the amount of Fifty Thousand



(\$50,000) dollars to be approved and accepted by the Greenville County Clerk of Court. Deposit of a cash percentage in lieu of bond pursuant to South Carolina Code § 17-15-20(A) is not permitted.

2. Mr. Lewis may not leave the State of South Carolina without permission of the court.
3. Mr. Lewis has represented to the Court that he does not presently have a passport. He is not to apply for a passport until this matter is resolved.
4. Mr. Lewis shall not have any contact either direct, indirect or through any third party with Savannah Nabors.
5. He must notify the Clerk of Court for Greenville County of any change of address.
6. He must immediately surrender to the Sheriff for Greenville County upon any order of the South Carolina Supreme Court either affirming his conviction or dismissing his appeal. Appellate Counsel shall be required to notify the surety if the the appeal is either affirmed or dismissed

Upon a showing of good cause, either party may move this Court for an order amending the conditions of this bond. The Office of the Solicitor for the Sixteenth Judicial Circuit may bring any alleged violations of this Order to the attention of this Court.

The Magistrate's Court for Greenville County shall have the authority to implement the terms and conditions of this bond upon the posting of the required surety.

IT IS SO ORDERED

November 12, 2019


G. Thomas Cooper
Presiding Judge

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

NOV 01 2019

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

S.C. SUPREME COURT

G. Thomas Cooper, Jr., Circuit Court Judge

Case No 2019-GS-23-01146A

The State, ... Respondent,

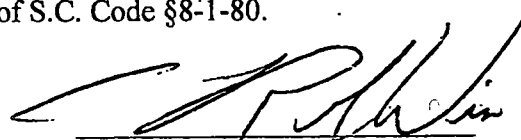
v.

William D. Lewis Appellant.

AMENDED NOTICE OF INTENT TO APPEAL

William D. Lewis appeals the Order of the Honorable Thomas Cooper, Jr. dated October 25, 2019. This Appeal is filed in the South Carolina Supreme Court pursuant to Rule 203(d)(1)(A)(ii) of the South Carolina Rules of Appellate Practice as the primary issue involved in this appeal is the constitutionality under federal and state constitutions of S.C. Code §8-1-80.

October 29th, 2019



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Attorney at Law
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(864) 229-5010

Attorney for Appellant

OTHER COUNSEL OF RECORD

Kevin S. Brackett, Solicitor
Sixteenth Judicial Circuit
1675-1A York Hwy
York, SC 29745

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

**APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
G. Thomas Cooper, Jr., Circuit Court Judge**

**Appellant Case No. 2019-001815
Lower Case № 2019-GS-23-01146A**

The State, ... Respondent,

vs.

William D. Lewis Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Nov. 11, 2020



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