

Feb 17 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
The Honorable Ralph King Anderson, III, Chief Administrative Law Judge

APPELLATE CASE NO.: 2021-000886
ADMINISTRATIVE LAW COURT CASE NO.: 21-ALJ-17-0143-CC

South Carolina Department of Revenue.....Respondent,

v.

Agua Pina, LLC, d/b/a Hookah on the River.....Appellant.

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Volume 2 of 3
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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT
Docket No. 21-ALJ-17-0143-IJ

South Carolina Department of Revenue,)
)
)
 Petitioner,)
)
 v.)
)
 Agua Pina, LLC, d/b/a Hookah on the)
 River,)
)
 Respondent.)
 -----)

ADMINISTRATIVE HEARING

Wednesday, June 9, 2021
10:03 a.m. - 5:50 p.m.

COPY

The administrative hearing before the Honorable Ralph King Anderson, III was taken at the Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina, on the 9th day of June, 2021 before Travis McLeod, Court Reporter and Notary Public in and for the State of South Carolina.



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STIPULATIONS

It is stipulated and agreed that this hearing is being taken pursuant to the rules of the



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1 **CALL TO ORDER:**

2 **THE COURT:** Okay. This is the hearing in the matter
3 of South Carolina Department of Revenue,
4 Petitioner, versus Agua Pina, LLC d/b/a Hookah
5 On The River, Respondent, docket number 21-ALJ-
6 17-0143-IJ. Mr. McCabe, it is listed as an IJ.
7 I was looking into it before I came into this
8 hearing and it appears it is not simply an
9 injunction hearing and maybe I'll have to hear
10 from you about that, Mr. Maybank, but it --
11 you're seeking revocation of the permit?

12 **MR. MCCABE:** That is correct, Your Honor, I believe
13 the -- the -- the injunction was in response to
14 the emergency suspension ---

15 **THE COURT:** Okay.

16 **MR. MCCABE:** --- that was originally filed with the
17 Court.

18 **THE COURT:** But -- so what I have done is, I have
19 granted you a emergency suspending pending this
20 case to determine whether to revoke the permit
21 and the department has issued an amen- -- a
22 department determination regarding the
23 revocation of the permit?

24 **MR. MCCABE:** Yes, Your Honor.

25 **THE COURT:** All right. I -- I'll hear opening



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1 statements, Mr. McCabe.

2 **MR. MCCABE:** Thank you, Your Honor.

3 **OPENING STATEMENT - MR. MCCABE:**

4 **MR. MCCABE:** May it please the Court, as the Court
5 is aware, the department is seeking a
6 revocation of the on-premise beer and wine
7 permit and business liquor by the drink for
8 Agua Pina doing business as Hookah On The
9 River. This of course is based upon the fact
10 that we believe that -- that the -- the
11 restaurant lacks a reputation for peace and
12 good order in the community as required by 61-
13 4-520 and 61-6-910. We believe that the
14 numerous calls for disturbances, the
15 restaurants need for armed security, and two
16 shootings that occurred within two weeks are an
17 indication that the restaurant lacks a
18 reputation for peace and good order.

19 **THE COURT:** Woah, woah, woah. The restaurant's need
20 for armed security? I would shut down half of
21 the bars in South Carolina if that was a -- a
22 ---

23 **MR. MCCABE:** We ---

24 **THE COURT:** --- component.

25 **MR. MCCABE:** --- we believe that, when combined with



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1 everything else, we think that indicates a
2 problem, Your Honor.

3 **THE COURT:** Okay.

4 **MR. MCCABE:** Not -- not -- not the sole factor they
5 have security, that -- that's -- but -- that
6 along with the -- the inability to control
7 patrons, the two shootings, we think all that
8 as taken in totality shows that they ---

9 **THE COURT:** Okay.

10 **MR. MCCABE:** --- lack reputation. Furthermore, we
11 believe the evidence will show that employees,
12 or agents, of the business were aware of the
13 shooting that occurred on the property on May
14 8th. Now normal response to a shooting for a
15 business would be to inform the police, the
16 department proposes that by failing to report
17 the shooting to the law enforcement, the
18 restaurant is knowingly permitting an act which
19 constitutes a public nuisance in violation of
20 61-4-580. Now ingard- -- in regards to the
21 knowing element, I would direct the Court to
22 the ruling in Feldman versus the State Tax
23 Commission, which held that one who shuts its
24 eyes to avoid knowingly what -- what would
25 otherwise be obvious, may be deemed to



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1 knowingly have violated a statute, and we
2 believe that's occurred here. There's evidence
3 that they were aware of the shooting and it was
4 never reported to law enforcement, which ---

5 **THE COURT:** Well, I -- they're -- Feldman's getting
6 at that if you -- if you shut your eyes to what
7 is going on in order to avoid finding out about
8 those facts, that it's still knowing. But what
9 you're saying here, is more of a subterfuge and
10 that is th- -- you're arguing that they knew of
11 it, but by their actions they kept the
12 Sheriff's Department from finding out about it.
13 Is that what you're telling me?

14 **MR. MCCABE:** The Sheriff's Department eventually
15 found out.

16 **THE COURT:** I'm asking what ---

17 **MR. MCCABE:** But -- but our intent is that they --
18 that the employee or agents knew that there was
19 shooting on the property, and -- and instead of
20 contacting law enforcement, they did not. And
21 we believe that is similar to sticking their
22 head in the sand you know we don't see it, we
23 don't want to know about it, we don't have to
24 call the police, we'll just pretend like it
25 didn't happen ---



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1 **THE COURT:** Okay.

2 **MR. MCCABE:** --- and I believe that's what's
3 occurred here. So we believe that the
4 restaurant lacks a reputation for peace and
5 good order, and also that the restaurant is
6 knowingly permitting acts that constitute a
7 public nu- -- nuisance. And more importantly,
8 we think they are allowing acts that threaten
9 the health, safety, and welfare of the public.
10 So we would ask the Court to affirm the
11 Department's revocation of the permit and
12 license.

13 **THE COURT:** Okay.

14 **MR. MCCABE:** Thank you.

15 **THE COURT:** Mr. Maybank.

16 **OPENING STATEMENT - MR. MAYBANK:**

17 **MR. MAYBANK:** Your Honor, briefly, he -- he's
18 contradicted himself three times. He -- he --
19 he says, first of all, we're not controlling
20 the crowd, but he's criticized us for holding
21 -- for holding -- for hiring security guards.
22 Second of all, we -- we contend and -- and I
23 guess most of what we'll discuss today is, no
24 shooting took place in our establishment on May
25 8th, the person was -- the -- the victim and I



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1 -- no doubt he was shot, the question's where
2 he was shot, the victim left our establishment
3 at 3:00 a.m., he went to the hospital at 4:55
4 pm. The -- the sheriff's dep- -- so we didn't
5 call 911, 'cause nothing, not even a fight
6 occurred in our establishment at the time he
7 left. The -- the -- the Sheriff's Department
8 found out about it when the victim went to the
9 hospital at 4:55 pm. And they served us a
10 search warrant and came the next day and
11 discovered no shell casings, no blood, no
12 bullet holes, absolutely no evidence of -- of
13 a fight. And he's contradicted himself, if we
14 had call 911, he's criticizing us for that,
15 saying that we called -- that they received too
16 many 911 calls, so the -- the lesson we've
17 learned, is it don't call 911 according or the
18 Sheriff's Department will attempt to revoke
19 your license. Now this is gonna be a right
20 interesting case. The Richland County
21 Sheriff's Department has a very keen interest
22 in our establishment. So keen, they contacted
23 the DOR to get involved at several levels. The
24 -- basically to put us out of business, and
25 they've even refused to issue a retail sales

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1 tax license to two of Jack Oliver's tenants.
2 Two of Jack Oliver's tenants, they -- they
3 asked them, was there any connection to Jack
4 Oliver and they refused to issue them a retail
5 sales tax license and those tenants had
6 absolutely nothing to do with Hookah. They've
7 asked SLED to get involved and SLED has been
8 there many times and -- and finally quit
9 coming. They never saw anything other than our
10 one alleged, not alleged, our one curfew
11 violation, which -- which happened, there's no
12 doubt about that. They asked for Richland
13 County Sheriff's business license office to get
14 involved, and we'll get into that. They have
15 asked the Fire Department to get involved. The
16 Fire Department has effectively closed down the
17 business on New Year's Eve by sending two fire
18 trucks. They -- they said there was a fire
19 alarm called. There was no fire alarm called.
20 Two fire trucks came and Richland County
21 Sheriff's Department came on New Year's Eve,
22 the busiest day of the year for absolutely no
23 reason. No arrests were made, no violations
24 were cited, but they effectively shut down the
25 establishment on the busiest night of the year



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1 for -- for New Year's Eve. They have a clearly
2 marked surveillance trailer, been parked
3 outside the bar for three months and I'm -- and
4 I'm sure we will see the video of the incident
5 that he has referred to, the -- the video
6 surveillance camera's been there for three
7 months parked directly outside the bar. And we
8 look forward to seeing the videos of the
9 incident that he has referred to. We contend
10 there was no shooting on May 8th. We're very
11 interested in seeing the video. They've been
12 there three months, they've been videoing
13 everything of the person stumbling out of the
14 bar you know after being shot. Now what's the
15 result of all of this? They've been there
16 numerous times. They sent SLED numerous times.
17 They sent Fire Department numerous times. One
18 ticket for a curfew violation, which we
19 conceded, we -- we did wrong. Curiously, they
20 did not issue any curfew violations for the
21 numerous bars and restaurants around us that
22 were also selling after 11:30 and maybe we did,
23 we'll -- we'll certainly ask that on cross
24 examination. I'm sure they issued many curfew
25 -- I'm sure I'm wrong. They issued many curfew



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1 violations with all of the establishments
2 around us for serving after 11:30. That
3 obviously doesn't make it right, but they
4 issued us one and it'd be curious to see how
5 many other ones they -- that they issued as
6 well. There is an issue in this case, there is
7 a bar -- I don't know if issue's the right
8 word, but the -- what brings us here today is
9 there is a rap bar directly contiguous, one
10 door -- literally the next door to our
11 establishment. It doesn't have an ABL license
12 and -- and its customers come over after the
13 rap -- rap concert. So it's a Special Events
14 Center, meaning they're not open every night.
15 They have rap concerts. And when rap concerts
16 end, their customers come over every night, and
17 that is what after the rap concerts on every
18 night, and that is what -- after the rap
19 concerts, not every night. And that is what's
20 caused virtually all of our issues today.

21 **THE COURT:** Well, can I ask you about that? Because
22 on one hand, you're telling me that these
23 people who hold the rap concerts are -- are
24 creating an environment that causes problems
25 for your location?



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1 **MR. MAYBANK:** Correct.

2 **THE COURT:** But I'm -- now I've always kinda looked
3 at these cases. I'm looking at determining,
4 depending on what's argued, or if there's

5 **MR. MAYBANK:** Right.

6 **THE COURT:** --- a moral standard whether I have to
7 look the person, but I can look at -- Mr.
8 Oliver apparently owns this location. I can
9 look at and say, okay, I think this is a good
10 individual, but this location, because of all
11 the rap bar, and with everything else it's just
12 not suitable. So how do I weigh in what you're
13 telling me about this ---

14 **MR. MAYBANK:** That -- that's exactly correct, Your
15 Honor. The issue is, I don't believe there's
16 ever been a case where somebody has lost their
17 liquor license because of their next door
18 neighbor. So that you know the issue is isn't
19 in fact the next door neighbor ---

20 **THE COURT:** Well, I've denied permits in the past
21 based upon the fact that the crime in the area
22 makes the location unsuitable. And it had
23 nothing to do with how the -- the quality of
24 character, the person operating the business,
25 it was just, once you place that business in



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1 that spot, then what occurs thereafter creates
2 a situation that's just hard to control ---

3 **MR. MAYBANK:** Uh-huh.

4 **THE COURT:** --- and that's why I'm -- what I'm
5 thinking about -- what I will have to think
6 about, as I hear this case.

7 **MR. MAYBANK:** Right.

8 **THE COURT:** --- so I'm asking you about that now, if
9 you could tell me.

10 **MR. MAYBANK:** I -- I don't think that correct or
11 even -- even constitutional. I mean, you can't
12 revoke one ABL license because of the actions
13 of the next door neighbor. I mean, that would
14 be like closing -- that you know and we'll get
15 into USC football games, there's hundreds of
16 incidents, you certainly don't close down the
17 -- revoke of the ABL licenses of the several
18 places around the football stadium because you
19 know 80,000 people leave and you know, one
20 percent of them cause problems. So I don't --
21 I don't think that -- I don't think that's
22 correct. Now if you've done that in the past,
23 that's one thing, but I -- I don't think
24 anybody could ever be held accountable for
25 their neighbor.



1 **THE COURT:** Well, I'm not saying the neighbor, per
2 se, it's just the statute says that I determine
3 the suitability of the location ---

4 **MR. MAYBANK:** Right.

5 **THE COURT:** --- and ---

6 **MR. MAYBANK:** And -- and ---

7 **THE COURT:** --- don't I ju- -- look at that at a
8 overall standpoint?

9 **MR. MAYBANK:** It does say location, but I think the
10 statute's referring to our location ---

11 **THE COURT:** Okay.

12 **MR. MAYBANK:** --- not the -- not the rap center.

13 **THE COURT:** Well, I don't know about the rap center
14 ---

15 **MR. MAYBANK:** Right.

16 **THE COURT:** --- but the overall suitability.

17 **MR. MAYBANK:** Right. Now, in addition to the curfew
18 violation, we don't deny it. There was a
19 shooting and one of our security guards was
20 shot. The shooter came after the rap bar --
21 after the concert ended, and our guard was shot
22 after we refused entrance to him to our
23 establishment. We tried to keep -- we tried to
24 control the crowd and -- and -- and keep him
25 out. One of the rap singers shot our -- our



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1 guard in retaliation, we refused to let him in.
2 We knew who the shooter -- we knew who the
3 shooter is, and we reported it to the Sheriff's
4 Department. He's never been arrested and --
5 and we reported to the Sheriff's Department
6 three weeks ago, he was singing in another rap
7 concert in -- in -- in Lexington. And so we
8 look -- certainly look forward to hearing the
9 testimony of why that person who shot our
10 security guard and he -- he -- and again,
11 according to what you just said may not matter,
12 but didn't -- he didn't shoot our security
13 guard on our premise, he was across the street
14 when he shot the security guard. But we
15 certainly look forward to hearing testimonies
16 as to why he has not been arrested -- what the
17 investigation was and why not -- he has not
18 been arrested. So that occurred on May the
19 2nd, that was the first shooting that they
20 referred to. There was another shooting on May
21 8th, but it -- as I said, it didn't occur in
22 our establishment. The Sheriff's Department
23 came, they downloaded our video, they looked
24 for shell casings, they looked for blood, they
25 looked for bul- -- bullet holes, and they found



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1 none. They found none. We contend the
2 shooting took place in somewhere else not at
3 our establishment, the victim left at 3:00 a.m.
4 and went to the hospital at 4:45 p.m. That's
5 a long time after you've been shot to go to the
6 hospital, I would -- I -- I would -- I would
7 speculate. And so there's -- there -- there's
8 gonna be literally no testimony the shooting
9 took place in our establishment, other than the
10 victim said he was shot in the location of our
11 -- of our establishment. The victim is a
12 convicted felon, alleged gang member and we
13 look forward to the Sheriff Department's
14 testimony today regarding that particular
15 individual. Now the sheriff's office states --
16 contends that we don't do enough to protect our
17 customers. So -- enough to protect the crowd,
18 so to speak, and we -- we frisk everybody who
19 comes in the door. We have a metal wand that
20 we use on every -- every customer who comes in.
21 We have SLED certified security guards, and we
22 have at least six out on the weekends -- two
23 during a week and six on the weekends. And we
24 videotape the -- the interior, that -- it will
25 be interesting to hear the testimony of the



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1 Sheriff's Department as to how many other bars
2 and restaurants videotape, frisk, and metal
3 wand every customer who comes in the door. I
4 suspect there -- there's not many, but I may be
5 wrong and we'll -- we look forward to -- to
6 hearing that. So we basically contend that it
7 didn't -- it didn't happen in our
8 establishment. Now the Sheriff's Department
9 filed the sanctions for emergency revocation
10 based upon the fact that there has been two
11 shootings. We filed a subpoena with the
12 Sheriff's Departments for the neighboring bars
13 and grills and discovered an astonishing number
14 of incidents which had occurred at a -- at a
15 neighboring bar and grill the Sheriff's
16 Department has never looked -- has never
17 revoked the license for, and we have a -- an
18 exhibit literally that thick (indicating) of
19 the number of incidents reports at a
20 neighboring bar and grill. Now -- now why have
21 we received this type of treatment when the --
22 when the bars around us have had rapes and --
23 and shootings and murders, has not received the
24 same treatment? We don't know if -- if because
25 our clientele is mai- -- mainly African



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1 American, we don't know that -- that we fired
2 the former manager and apparently he has a
3 close relationship with the Sheriff's Office
4 and that we have a cook -- our head cook, the
5 Sheriff's Office apparently doesn't like. So,
6 for some reason, there is a completely
7 different disparate treatment of our restaurant
8 versus a neighboring restaurant. So we're not
9 talking about all of Richland County, we're
10 talking to within the -- the -- the -- a mile
11 of -- of our establishment. So anyway, we look
12 forward to hearing that and -- and finally
13 getting to the bottom of why for example, they
14 would deny a -- a retail sales tax license to
15 Mr. Jack Oliver's tenant, completely unrelated
16 to him, but his tenant. But anyway, that --
17 it'll be an interesting case today, Your Honor,
18 thank you.

19 **THE COURT:** Thank you. Mr. McCabe?

20 **MR. MCCABE:** Yes. Thank you, Your Honor. At this
21 time, I would call, I'm sorry, I would call
22 Investigator Clay Short to the stand, please.

23 **THE COURT:** You have to get behind the plexiglass.

24 **COURT REPORTER:** Would you raise your right at hand
25 please, sir. Do you solemnly swear the



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1 following testimony to be the truth, the whole
2 truth, and nothing but the truth, so help you
3 God?

4 **MR. SHORT:** Yes, sir, I do.

5 **COURT REPORTER:** Thank you.

6 **CLAY SHORT,** having been duly sworn, testifies as
7 follows:

8 **INVESTIGATOR SHORT - DIRECT EXAMINATION BY MR.**
9 **MCCABE:**

10 Q: Morning, Investigator Short. Just some -- some
11 basic questions to get started, if you will.
12 Where are you employed?

13 A: The Richland County Sheriff's Department.

14 Q: And how long have you been employed by the
15 Sheriff's Department?

16 A: For 11 years.

17 Q: All right. And what is your title?

18 A: Senior Investigator.

19 Q: And as a Senior Investigator, what are you --
20 what are your job responsibilities? What are
21 you expected to do?

22 A: Investigate what we call major crimes in
23 Richland County ---

24 Q: Okay.

25 A: --- which would be shootings.



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- 1 Q: Okay. And -- and -- and as a result of your
2 duties, have you become familiar with a
3 business located at 2700 Broad River Road,
4 Suite B, in Columbia?
- 5 A: Yes, sir.
- 6 Q: And what is the name of that business?
- 7 A: The Hookah Lounge -- Hookah On The River.
- 8 Q: And are there -- are, excuse me, are there any
9 open investigations involving this address?
- 10 A: Several, yes, sir.
- 11 Q: Okay. Well, let's talk about the one on May
12 8th. How was the Sheriff's Department made
13 aware of an incident on May 8th?
- 14 A: The Sheriff's Department was dispatched to
15 Prisma Richland Hospital sometime in the
16 morning on the 8th, I think it was about 10:00
17 o'clock or so in the morning, which is when the
18 hospital notified us of a gunshot victim.
- 19 Q: Okay. And did you personally arrive at -- at
20 Prisma?
- 21 A: I did go to Prisma. I didn't go the morning of
22 the 8th.
- 23 Q: Okay. But -- but you -- you did ---
- 24 A: Yes.
- 25 Q: --- go to Prisma?



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- 1 A: Yes.
- 2 Q: All right. And what did you discover when you
3 arrived at Prisma Hospital?
- 4 A: I went and met with the victim who was still in
5 the hospital. He had had several surgeries, I
6 think his lungs had collapsed, but he was still
7 bedridden for lack of a better word and he was
8 still admitted to the hospital and I spoke with
9 Mr. Grant about what happened.
- 10 Q: Okay. Now, when you spoke to him, did it
11 appear that Mr. Grant was in some type of
12 distress, in pain?
- 13 A: I mean, other than being admitted to the
14 hospital, no.
- 15 Q: Okay. Did you see any evidence that indicated
16 that the victim was -- had suffered a wound?
- 17 A: Yes.
- 18 Q: And -- and what was that?
- 19 A: He had bandages on his stomach, I think there
20 were staples, if I'm not mistaken, underneath
21 his stomach.
- 22 Q: Okay. And -- and what did the victim say
23 happened?
- 24 A: He said that about 3:00 o'clock or so that
25 morning, he, with a group of friends, arrived



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1 at the Hookah Lounge, and ---

2 **THE COURT:** All right. So we're gonna go into the
3 victim's statement?

4 **MR. MCCABE:** Well, Your Honor, I believe it would be
5 permissible under 8032, which is excited
6 utterance. The victim was making a statement
7 related to a startling event or condition ---

8 **THE COURT:** While he's still under the influence ---

9 **MR. MCCABE:** Your Honor, the Court has in State
10 versus Ladner (ph), ruled that a -- a young
11 girl who was suffering from a sexual assault
12 and who was complaining of pain and bleeding
13 while her statements were made, were still
14 under the stress of the attack.

15 **THE COURT:** Okay.

16 **MR. MCCABE:** So I believe that that's analogous to
17 what we have here, the victim is in the
18 hospital still suffering from the gunshot --
19 from the wound.

20 Q: So what did he say had happened?

21 A: He said that he went inside the club with his
22 friends and there was an altercation at which
23 point he was shot in the stomach, and he ran
24 outside and his friend who came with him to the
25 club was who drove him to the hospital.



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1 Q: Okay. So based upon his statement, what did
2 you do next?

3 A: So I started researching who was at the club --
4 -

5 Q: Uh-huh.

6 A: --- at the time, but I waited 'til the victim
7 was discharged from the hospital to get a
8 formal sworn statement from him to ---

9 Q: Okay.

10 A: --- that effect.

11 Q: Okay.

12 A: I'd already collected video.

13 Q: Okay. And -- and how did you -- how did you
14 obtain the video?

15 A: Some of the video's from the -- the trailer,
16 the camera that's in the parking lot, but
17 Sergeant Galinski who was on call at the time
18 of the shooting, obtained a search warrant and
19 got video from the front door of the -- the
20 establishment.

21 Q: Okay. I'm gonna hand you a -- a document. If
22 you could look at that for me.

23 A: Yes, sir.

24 Q: Do you recognize that document?

25 A: Yes, sir.



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1 MR. MAYBANK: And -- and can we see the document?

2 MR. MCCABE: You've got a copy of it, it's Exhibit
3 Number 8.

4 MR. MAYBANK: Exhibit Number 8?

5 MR. MCCABE: Yeah.

6 (Petitioner's Exhibit Number 8 was referenced at this
7 time.)

8 Q: And is this document used in the ordinary
9 course of business for Richland County
10 Sheriff's Office?

11 A: Yes, sir. Especially when places don't
12 cooperate with the Sheriff.

13 Q: Okay. And is it procedure of Richland County
14 to retain search warrants in the ordinary
15 course of business?

16 A: Yes, sir.

17 Q: All right. And are you authorized to testify
18 as a record custodian for Richland County
19 Sheriff's Office?

20 A: Yes, sir.

21 Q: All right. And does the search warrant say
22 exactly what -- what it's looking for.

23 A: Yes, sir.

24 Q: What exactly was the search warrant obtained
25 for?



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1 A: It was obtained for specifically fired, unfired
2 cartridge casings, blood, and video
3 surveillance ---

4 Q: Okay.

5 A: --- from the club -- from inside the club.

6 MR. MCCABE: All right. Your Honor, at this time,
7 we would like to offer Exhibit Number 8 into
8 evidence.

9 MR. MAYBANK: No objection.

10 THE COURT: It's submitted.

11 (Petitioner's Exhibit Number 8 was admitted into
12 evidence at this time.)

13 MR. MCCABE: Thank you.

14 Q: Okay. So what evidence did Richland obtain
15 from that search warrant?

16 A: The video surveillance from the front -- the
17 outside front door of the club.

18 Q: All right. So this was surveillance that was
19 the business's own camera, is that correct?

20 A: Correct.

21 MR. MCCABE: All right. And if I could have the --
22 the monitor, I've just got a quick snippet,
23 Your Honor, of maybe a minute. It's a little
24 bit longer than what was shown during the --
25 the initial hearing on the emergency



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1 suspension. See if that brings it up. All
2 right. We'll let this play. Like I said, Your
3 Honor, I -- I thank you for it's indulgence,
4 it's about a minute.

5 (Plaintiff's Exhibit Number 7 was referenced at this
6 time.)

7 THE COURT: This is admitted into evidence?

8 MR. MCCABE: Well, I -- I -- I will ---

9 THE COURT: Oh.

10 MR. MCCABE: --- move it in -- in -- in a second.

11 THE COURT: All right.

12 (Video plays.)

13 Q: All right. So can you at least tell us what
14 we're looking at here?

15 A: This is the front door of the club. You can
16 see at the bottom of the camera, one of the
17 security guards is patting this gentleman down
18 with the purple hat ---

19 Q: Okay.

20 A: --- he then looks inside the club.

21 Q: Now, what are we seeing here?

22 A: People running from inside the club out into
23 the parking lot.

24 Q: Okay.

25 A: And as people continue to run out of the club,



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1 right there, is the victim.

2 Q: Could you identify him by what he's wearing?

3 A: Yes. He first described to me what he was
4 wearing, and then when he got discharged from
5 the hospital, he came to the Sheriff's
6 Department and gave a formal statement and I
7 showed him this video and he agreed that that
8 was him running out of the club. He's holding
9 his stomach from being shot, and he was asked
10 multiple times, and he was extremely certain,
11 there's no doubt that he was shot inside the
12 club.

13 Q: Okay. Let this just play a little bit longer
14 here. So the other thing I want to ask you is,
15 did you see any evidence -- and let's stop this
16 right here.

17 A: That would be what appears to be the armed
18 security guard with a weapon drawn and he's
19 facing inside the club, which would be
20 indicative of going towards where the gunshot
21 came from, because people are running from
22 there, and then he's going in armed.

23 Q: Okay. We'll just play for one more second.

24 (Video plays.)

25 Q: All right. So does -- does Richland County



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1 utine (sic) -- excuse me, routinely used
2 security camera footage in the ordinary course
3 of its investigations.

4 A: Yes, sir.

5 Q: And is this video representative of the video
6 that was obtained via the search warrant?

7 A: Yes, sir, it is.

8 **MR. MCCABE:** All right. Your Honor, at this time,
9 we would offer the video -- video into evidence
10 as Exhibit Number, I believe, Exhibit Number 7.

11 **MR. MAYBANK:** No objection, Your Honor.

12 **THE COURT:** It's admitted.

13 **(Petitioner's Exhibit Number 7 was admitted into**
14 **evidence at this time.)**

15 Q: Just a couple more questions. Was there any
16 other evidence that was recovered from the --
17 the -- the restaurant?

18 A: No. But that's not an indicative of the crime
19 not happening there. Routinely, shell casings
20 aren't found. They're either picked up or
21 kicked by you know several dozen people running
22 out of the club, or it could have been a
23 revolver, which wouldn't leave a shell casing
24 anyway.

25 Q: All right. So is it your testimony that --



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1 that -- well I guess, that the lack of other
2 evidence does not change the department's or
3 the Sheriff Department's finding, or does it?

4 A: No. It -- it -- there's no reason to think
5 that the victim's not telling the truth when he
6 said that he was definitely shot inside the
7 club.

8 Q: Okay. And did Richland County Sheriff's Office
9 ever receive notification from Hookah On The
10 River that a shooting occurred on the premises?

11 A: No. We were contacted by the hospital.

12 Q: And is that standard procedure for the -- the
13 hospital?

14 A: Yes.

15 Q: What -- what is that procedure?

16 A: To notify anytime -- notify law enforcement
17 anytime there's somebody that suffers a gunshot
18 wound.

19 MR. MCCABE: Okay. Your Honor, I have no further
20 questions.

21 THE COURT: All right.

22 INVESTIGATOR SHORT - CROSS-EXAMINATION BY MR.

23 MAYBANK:

24 Q: Okay. All right. And -- and -- the -- the --
25 the victim -- the victim a convicted felon?



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1 A: I'm not aware of that.

2 Q: Okay. So you wouldn't normally searched his --

3 his criminal record?

4 A: It depends. I -- I didn't have a reason to

5 think that he wasn't telling me the truth.

6 Q: Well, what is being a convicted felon got to do

7 with telling you the truth?

8 A: Well, you asked me if he was a convicted felon,

9 you ---

10 Q: Right.

11 A: --- tell me.

12 Q: Okay. So you're a witness here, right?

13 A: Yes, sir.

14 Q: And you're a neutral, independent witness here

15 on behalf of the Sheriff's Department, correct?

16 A: Yes, sir.

17 Q: And so you're trying to tell the truth and what

18 happened, you're not here advocating -- you're

19 not an advocate, you're not a lawyer, are you?

20 A: No, sir.

21 Q: Okay. So let me ask you again, was he a

22 convicted felon?

23 A: I'm not aware of that, sir.

24 Q: Okay. Normally -- you -- you knew his name, of

25 course?

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1 A: Right.

2 Q: As part of your investigation, you wouldn't

3 have checked that?

4 A: I was treating him as a victim, I didn't see a

5 reason to run his criminal record.

6 Q: Okay. And was he a gang member to your

7 knowledge?

8 A: No, sir.

9 Q: Okay. Have you ever heard of him?

10 A: Was -- was I -- was I -- was he known to me, is

11 that what you're asking?

12 Q: Yeah.

13 A: No, sir.

14 Q: Okay. All right. And he said he was -- he was

15 in -- there was an altercation, and he was shot

16 and he ran outside.

17 MR. MAYBANK: Now, can we replay the video a second

18 here?

19 MR. MCCABE: Okay.

20 (Video plays.)

21 Q: I see three people were walking quickly and

22 then I see three people moving -- calmly

23 walking. Is that -- is that evidence that

24 somebody's been shot?

25 A: I think it's evidence that this kind of thing



1 happens there frequently, and these people
2 aren't moved by it.

3 Q: Okay. So your testimony today is you think
4 there's -- your -- the basis for your testimony
5 on that is, shootings happen there all the
6 time, correct?

7 A: I would say in the two weeks that we're talking
8 about, this is May 8th we're talking about ---

9 Q: Right.

10 A: --- the -- there were several reports in those
11 two weeks from this establishment.

12 Q: Okay. So they were -- they were two shootings
13 in -- in a two week period. And that's the
14 basis of your today, numerous -- numerous
15 shootings?

16 A: Well, you asked me if the person walking slowly
17 means that a shooting didn't happen there.
18 That guy -- the guy that you're referring to
19 that's walking slowly, I don't know why -- why
20 ---

21 MR. MAYBANK: Can we ---

22 A: --- he was walking slowly ---

23 MR. MAYBANK: --- can we back up the tape a few
24 seconds?

25 A: --- it's not indicative of anything.



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1 **MR. MAYBANK:** All right. Go ahead and play it
2 again.

3 **(Video plays.)**

4 **MR. MAYBANK:** Yeah. Thank you.

5 **Q:** I see people calmly walking. Does that look
6 like a shooting to you?

7 **A:** Yes, sir.

8 **Q:** People calmly walking off is indicative of a
9 shooting?

10 **A:** I would say a man running, holding his stomach,
11 who's told the Sheriff's Department that he was
12 shot is indicative of shooting.

13 **Q:** Yeah, but that wasn't what I asked you. You're
14 -- you're here today to prevail on this case,
15 aren't you? You're not here as a neutral
16 private invest- -- neutral Sheriff's Department
17 employee are you?

18 **A:** What -- what -- what's the question you're
19 asking me?

20 **Q:** Are you here as a neutral ---

21 **THE COURT:** Watch it. You don't ask him questions,
22 number one.

23 **INVESTIGATOR SHORT:** I'm just trying to get him to
24 clarify, I apologize.

25 **THE COURT:** Well then you can turn to me and say, I



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1 don't understand the question.

2 **INVESTIGATOR SHORT:** Okay. I apologize.

3 **THE COURT:** All right. So -- but you -- you stood --
4 --

5 **MR. MCCABE:** Your Honor, I'm -- I'm -- I'm just
6 curious if -- was -- was there a question in --
7 in all that statement?

8 **THE COURT:** I think there was.

9 **MR. MCCABE:** Okay. I just -- I ---

10 **THE COURT:** Now it got real close to argumentative,
11 but ---

12 **MR. MCCABE:** Well, and that's -- that was my -- my
13 thought is, I think we may have crossed that
14 threshold.

15 **THE COURT:** Just ask the question again and I'll
16 listen to it and ...

17 **Q:** And -- and you don't answer any of my
18 questions, you -- you arguing with me and
19 trying to make a point, correct?

20 **A:** No, sir. I'm trying to ask -- answer your
21 questions to the best of my ability.

22 **Q:** Okay.

23 **A:** I may not have understood it.

24 **Q:** So my question was, those people seem to be
25 calmly walking, is that indicative of a



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1 shooting?

2 A: I think it can be indicative of a lot of
3 things. I don't think that them calmly walking
4 means there wasn't a shooting.

5 Q: Okay. All right. So people usually calmly
6 walk after there's been a shooting, that's
7 something you frequently encounter?

8 A: I mean, it would be my experience that human
9 behavior can mean a bunch of different things.

10 Q: Okay. All right. So you went back and you got
11 a search warrant and you went in. You didn't
12 find any shell casings, correct?

13 A: I personally did not get the search warrant, it
14 was Sergeant Galinski.

15 Q: Okay.

16 A: But yes, Sergeant Galinski and other
17 investigators went to the building.

18 Q: Okay. So you personally didn't go in there,
19 correct?

20 A: No, sir.

21 Q: All right. But you personally went to the
22 hospital?

23 A: Yes, sir.

24 Q: Okay. All right. And -- and where did he say
25 he was shot?



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- 1 A: Where on his body or where in space and time?
- 2 Q: Where in the space and time.
- 3 A: Inside the club, at the Hookah Lounge.
- 4 Q: Okay. And he didn't know who shot him?
- 5 A: He did not.
- 6 Q: Okay. And he -- and he didn't describe any
- 7 background -- I mean people -- as to why he had
- 8 been shot or what had been going on?
- 9 A: He described an altercation in which somebody
- 10 punched his friend and then he tried to punch
- 11 that person who assaulted his friend, and then
- 12 that point he was shot.
- 13 Q: Okay. All right. And the video inside the
- 14 establishment, y'all took that video too,
- 15 didn't you?
- 16 A: I believe so, yes, sir.
- 17 Q: Okay. And did it show a shooting?
- 18 A: No. All the cameras that were inside the club
- 19 point straight down at bars or cash registers,
- 20 so there's no cameras, that the Sheriff's
- 21 Department's aware of, that point to the part
- 22 of the club, or the dance floor, or the common
- 23 area where everybody would be.
- 24 Q: Okay. How long have you been an investigator?
- 25 A: For 11 -- for six years, sir.



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1 Q: Okay. And so -- and -- and your posi- --
2 position today that the -- the two shootings at
3 the Hookah Lounge should result in revocation
4 of their license?

5 A: I would say the numerous calls and reports
6 combined with the two shootings, yes, sir.

7 Q: Okay. And so -- and obviously, you don't use
8 one standard for a restaurant that serves
9 African Americans and another standard for
10 restaurants that serve white people, do you?

11 MR. MCCABE: Your -- Your Honor, I -- I would
12 object. The Sheriff's Department does not do
13 licensing for establishments, so the -- the --
14 what he's asking him, he would have no -- no
15 way of -- of -- of knowing.

16 THE COURT: I overrule that. He's basing -- asking
17 on his knowledge of what he does.

18 MR. MCCABE: Okay. But I thought he asked about
19 licensing, that's why ---

20 THE COURT: Well, then -- then ----

21 MR. MCCABE: Okay. That's -- that's -- that's why I
22 objected. I thought he was talking about
23 licensing.

24 THE COURT: --- he can explain that answer.

25 MR. MCCABE: Okay.



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- 1 Q: All right. And so I think we agree that if all
2 bars and rest- -- when you can -- in terms of
3 your mood to revoke a license, all bars and
4 restaurants should be treated the same,
5 correct?
- 6 MR. MCCABE: Your Honor, once again, the -- the --
7 the Sheriff's Department does not revoke
8 licenses, that is the action of the Department
9 of Revenue.
- 10 Q: Okay. You don't -- you ask the Department of
11 Revenue to re- -- to make this motion, did you
12 not? Not you personally, but Sheriff's
13 Department?
- 14 A: The -- the Sheriff did, I personally did not.
- 15 Q: Right. Okay. But your office did?
- 16 A: Yes, sir.
- 17 Q: Okay. And so when you moved to -- you pers- --
18 is this -- this is probably the very first time
19 you've been involved in a license revocation
20 hearing, isn't it?
- 21 A: Yes, sir, it is.
- 22 Q: Okay. So you've been here 11 -- 11 years? I'm
23 sorry.
- 24 A: Yes, sir.
- 25 Q: Okay. And this is the very first time in 11



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1 years you've bought -- been involved in a
2 license revocation action?

3 A: Yes, sir.

4 Q: Okay. All right. And so again, we've been
5 interrupted every time, but let me ask you this
6 again, that obviously in moving to revoke a
7 license, there should be no distinction between
8 whether the customers are African American or
9 white, correct? I think we can all agree with
10 that?

11 A: Yes, sir.

12 Q: Okay. And so if other bars and restaurants
13 that serve white people had two shootings, you
14 would of -- the of- -- the office would've done
15 the same thing, correct?

16 A: Well I think that it's kind of a loaded
17 question, I -- I can't answer that with no
18 information in front of me.

19 Q: Okay. A white -- a -- a restaurant that serves
20 white people has two shootings in a six day
21 period, a restaurant that serves African
22 Americans has two shootings in a six day
23 period, you should treat them the same,
24 correct?

25 MR. MCCABE: Your Honor ---



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1 A: Are you asking a hypothetical question?
2 Q: Correct.
3 **THE COURT:** Well ---
4 A: Well, in -- in theory.
5 **THE COURT:** Woah, woah, woah. He's ---
6 **MR. SHORT:** Sorry.
7 **THE COURT:** I -- I -- I'm stopping you just because
8 he's -- he's objecting. What's your ---
9 **MR. MCCABE:** It's speculation, Your Honor, I mean,
10 he's given a -- as -- a -- a -- as far as we
11 know, a -- a fiction -- a fictional scenario.
12 There's no evidence in front of the -- of the
13 Court of -- of this scenario he's speaking of,
14 so I believe it would be hypothetical.
15 **THE COURT:** Well, number one, you begin by saying
16 with -- with your objections that they have ---
17 **MR. MCCABE:** It's speculation, Your Honor ---
18 **THE COURT:** --- nothing to do with revocation, and
19 now I find out that they are seeking
20 revocation, so they -- they don't revoke the
21 license themselves, but they're seeking to have
22 the license revoked and he's asking about the
23 -- the actual -- the department has taken in
24 seeking revocation in the past versus this
25 instance and why would that be speculation?



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1 MR. MCCABE: I would -- I would ---

2 THE COURT: He's not asking him to speculate about
3 things, he's asking about the -- the specific
4 action of the Department.

5 MR. MCCABE: But, one, he's not able to speak on
6 behalf of the department. What -- which
7 department are we speaking about? The
8 department ---

9 THE COURT: The Sheriff's Department.

10 MR. MCCABE: --- the Sheriff's Department. Okay. I
11 was gonna say, the Department of Revenue is the
12 only one ---

13 THE COURT: I ---

14 MR. MCCABE: --- who can -- can -- can seek
15 revocation.

16 THE COURT: Well, he said they -- they're seeking --
17 the Depa- -- seeking to get the Department to
18 revoke the license is what he testified to, I
19 -- is -- is my understanding. Did I miss that?

20 MR. MCCABE: He -- he may have, but I -- I'm not
21 aware of -- I am not aware of that at all.

22 THE COURT: Okay.

23 MR. MCCABE: Well, I'm not aware that that -- that
24 process occurred.

25 THE COURT: Okay.



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1 **MR. MCCABE:** I mean, I can't testify, but -- but I
2 know that -- that the Department reached out --
3 -

4 **THE COURT:** To your Department?

5 **MR. MCCABE:** Yes -- no. Our Department reached out
6 to the Sheriff's Department when we were
7 notified, through the press, of -- of the two
8 shootings.

9 **THE COURT:** All right.

10 **MR. MCCABE:** That -- that's -- that's what occurred.
11 I -- I know because I was the individual that
12 reached out.

13 **THE COURT:** Okay. Well, I'm asking ---

14 **MR. MCCABE:** No. No. I ---

15 **THE COURT:** --- about all this to follow the li- --
16 follow ---

17 **MR. MCCABE:** No. You're fine, Your Honor.

18 **THE COURT:** Okay.

19 **MR. MCCABE:** Yeah. It's fine.

20 **Q:** Okay. So, obviously this bar has been in -- on
21 your -- restaurant put on your desk for a
22 while, he testified the Department of Revenue
23 contacted you -- your office has been in
24 constant contact with the Department of
25 Revenue, isn't that correct?



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1 **THE COURT:** Maybank, he's not under oath so, the ---

2 **MR. MAYBANK:** I -- I ---

3 **THE COURT:** --- you said Mr. McCabe testified, I
4 thought, but go ahead.

5 A: I -- I'm sorry. What -- what was the -- the
6 question?

7 Q: I'm sorry, we've been interrupted. The
8 question was, your office has been in constant
9 contact with the Department of Revenue
10 regarding Hookah On The River, correct?

11 A: Person- -- me personally, no, but if you're
12 asking the Sheriff's Department as a whole, I
13 have no knowledge of what they've shared or
14 talked about with the Department of Revenue.

15 Q: Okay. So you just -- you -- your sole role in
16 here was to investigate the one victim who's in
17 the hospital, correct?

18 A: Yes, sir.

19 Q: Okay. And you don't know anything el- --
20 anything more about Hookah On The River,
21 correct?

22 A: I mean, I have a general knowledge of the --
23 the business ---

24 Q: Right.

25 A: --- and what the Sheriff Department's responded



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1 to there.

2 Q: Right. Okay. And so is -- your general
3 knowledge is that the Sheriff -- y'all have
4 contacted the Department of Revenue because of
5 the 911 calls and the shootings?

6 A: Yes, sir.

7 Q: Okay. All right. Now, so let me give you --
8 this is a -- this is a -- we filed a subpoena
9 on your office and we were given a number of
10 documents, and we've given the Department's
11 attorney one and we'll put that -- this was --
12 this was a incident reports given to us by your
13 office, your attorney. This is from McL- --
14 McCary's Bar & Grill, 851 Bush River Road and
15 it shows the following incidences, simple
16 assault -- it shows simp- -- simple assault,
17 nine; unlawful conduct towards a child, one;
18 disorderly conduct, one; theft from a motor
19 vehicle, five; drug narcotic violations, five;
20 larceny theft from the building, two; larceny,
21 all other larceny, nine; purse snatching, one;
22 shooting incident, aggravated assault, one;
23 weapon law violations, two; civil disturbance
24 trespassing notice, five; civil disturbance
25 forgery counterfeiting, three; civil



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1 disturbance defrauding an innkeeper, two; false
2 pre- -- pretenses swindle, scam, fraud, breach
3 of trust, one; civil disturbance PVC disorderly
4 conduct, two; missing persons, two; aggravated
5 assaults, three; destructive damage vandalism
6 of property, six; harassment intimidation, one;
7 credit card fraud, one; trespass of real
8 property harassment stalking, one; shooting
9 incident aggravated assault, two; forceful
10 rape, one; murder, one, on 8/22/2019; drug
11 narcotic violations, five; drug equipment
12 violations, three; prostitution, one;
13 disorderly conduct, nine; intimidation, two,
14 that was the bar owner alleging police
15 intimidation and extortion; simple assault,
16 three; motor vehicle theft, three; burglary
17 breaking and entering, three; sale to minor,
18 one; kidnaping, abduction, one; forceful rape,
19 one; robbery, three; weapons law violation,
20 one; civil disturbance, forgery and
21 counterfeiting, one; civil disturbance, one;
22 aggravated assault, one; larceny, all other
23 larceny, nine; forgery counterfeiting, two;
24 destructive damage, vandalism of property,
25 three; theft from motor vehicle, four; theft



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1 from building, one; curfew -- theft from motor
2 vehicles, four; theft from building, one;
3 curfew, loitering, vagrancy violations, one;
4 missing persons, one; telephone calls and scene
5 harassing, one; false pretenses, two; credit
6 card fraud, one; trespass of real property,
7 one.

8 **MR. MAYBANK:** Now, Your Honor, we would move --
9 these are exhibits we received pursuant to our
10 subpoena to the Sheriff's Department. These
11 are all the incident reports that I just went
12 over for the McL- -- McClary's Bar & Grill, and
13 we move them into evidence.

14 **MR. MCCABE:** Your Honor, I have an -- object to the
15 relevance here. That -- we're not here about
16 McCary's. We're here about the establishment
17 and the violations that happened on this
18 licensed location. I can't speak to anything
19 that's happened to McCary's, nor do I believe
20 that -- that my witness is able to speak to
21 anything that happened to McCary's. This is --
22 this is basically trying to create a smoke and
23 mirrors to put the blame somewhere else than
24 where it needs to belong, but what happened to
25 McCary's is not -- not in front of the Court.



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1 It's not what we're here for.

2 **MR. MAYBANK:** Your Honor, th- -- we're here because
3 they allege that two shootings is -- it -- and
4 a number of 911 calls is enough to file an
5 emergency revocation of an ABL license.
6 They've testified that's the basis -- that's
7 the floor, ceiling, whichever way you look at
8 it ---

9 **THE COURT:** All right. So if I'm here to determine
10 whether or not the location is suitable ---

11 **MR. MCCABE:** Yes, Your Honor.

12 **THE COURT:** --- would it not be something that at
13 least, that I -- can be argued from their
14 standpoint, that I should consider how other
15 areas have been treated as to whether or not,
16 or what floor, is the phrase he used, as to
17 what is suitable or not?

18 **MR. MCCABE:** Well, Your -- Your Honor, you could,
19 however, they're not aware of any -- any
20 actions, nor am I able to speak about any
21 actions or any investigations of any other
22 businesses. So what they're saying, may be
23 speaking -- they -- they have no idea what the
24 department is doing, or investigating. So I --
25 I think that that needs to be put before the



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1 Court as well, if -- if -- if ---

2 **THE COURT:** Well, that would be something that you
3 can respond to, I'm just saying, but you're
4 objecting to the evidence coming in at all, and
5 I'm trying to return ---

6 **MR. MCCABE:** I -- I don't think it's relevant. The
7 -- the reason that we're here is to examine
8 what's happened on this property. What's
9 happened in other locations, that's not before
10 the Court. Now, I would say that the Court is
11 well aware that we have done revocation for
12 many businesses. We've done -- I've asked the
13 Court to take notice that we have done
14 revocations of Mi Casia, of Candy Land. There
15 are several businesses that the Court is aware
16 that we have revoked ---

17 **THE COURT:** Well, I'm not aware ---

18 **MR. MCCABE:** Well -- but we've revoked licenses for,
19 so I -- I ---

20 **THE COURT:** Well, what I'm trying to decide in this
21 instance is whether this particular document
22 may be considered relevant. I'll tell you
23 what, can -- in exploring the theory behind all
24 this, let's say that there are two locations,
25 side by, or within 300 feet of each other, and



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1 one location has a shooting and you're seeking
2 to revoke ---

3 **MR. MCCABE:** Uh-huh.

4 **THE COURT:** --- the permit, the other location,
5 let's say, has a multitude of crimes, and
6 you're not bringing any action against that
7 location. Would it not be something I would
8 consider as to what -- what -- what the
9 Department considers to be suitable and what
10 the Department ---

11 **MR. MCCABE:** It could be -- it could, Your Honor,
12 but I think we're comparing apples and oranges.
13 If we look at the dates of these -- of when
14 these occurred and the litany that he just read
15 off, that is not since December of last year.
16 I believe that goes all the way back to 1998,
17 if I'm looking at the right list.

18 **THE COURT:** Well, that's where that would be subject
19 to cross, yeah.

20 **MR. MCCABE:** Yeah. I -- I -- so I think, we're not -
21 - we're not comparing the same here. If -- if
22 they were even relevant, which I still I would
23 say that they're not, in that we are focusing
24 on a specific business. And secondly, they
25 have no knowledge of whether the Department is



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1 seeking or investigating other businesses. So

2 ---

3 **THE COURT:** I'm gonna -- say the- -- there's a
4 certain point in time, Mr. Maybank, where this
5 will not be as -- as relevant?

6 **MR. MAYBANK:** Correct.

7 **THE COURT:** I think it would be more relevant with -
8 - the closer it is in times.

9 **MR. MAYBANK:** And we actually ---

10 **THE COURT:** This is ---

11 **MR. MAYBANK:** --- broke them in half, Your Honor,
12 pre 2010 and post 2010.

13 **MR. MCCABE:** Your Honor, I would -- I would object
14 that anything from -- anything from, let's say,
15 we're in 2021, '20 -- December of 2020. I say,
16 let's look there, that I think would be
17 relevant. You have a business, and we're
18 looking at the activity between two businesses,
19 same time frame. I think that's relevant, but
20 to rely on things from 1998, Your Honor, I --
21 I was -- I was just graduating high school at
22 that point. I mean, it -- it -- it's a little
23 bit ridiculous to say that ---

24 **THE COURT:** Well 2010 is even 10 years ago. Can we
25 get a little -- can we have this document made



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1 a little more rele- -- relevant and ---

2 **MR. MAYBANK:** Yeah. We can ---

3 **THE COURT:** I will say this, anything after 2010 I
4 just don't think is relevant, so whatever ---

5 **MR. MAYBANK:** Before 2010?

6 **THE COURT:** --- evident.

7 **MR. MAYBANK:** Right. So we'll pull that out, Your
8 Honor, in one of our breaks we'll pull out
9 everything before 2010.

10 **THE COURT:** And I will still hear your argument
11 about the remaining aspects of it being
12 irrelevant later on, but at this point in time,
13 I'm gonna let it in and subject to -- well,
14 tell you what, before I make that final ruling,
15 have you been given this prior to the hearing?

16 **MR. MCCABE:** No, Your Honor. No, I -- I wasn't, and
17 I don't have that list, either, Your Honor.

18 **MR. MAYBANK:** But the list we did, it -- it came
19 from his client. We sent a subpoena to the
20 Sheriff's Department. It came from his client.

21 **THE COURT:** Yeah. What I -- I think you -- you
22 could've made a better evaluation, at least for
23 me, on this time frame.

24 **MR. MCCABE:** Correct, Your Honor.

25 **THE COURT:** And so, I'm gonna let it in 2010 going



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1 forward, even though 10 years ago is ---

2 **MR. MCCABE:** That's fine, Your Honor.

3 **THE COURT:** --- period of time and I'll hear your
4 argument about that later on.

5 **MR. MCCABE:** All right. That -- that's fine, Your
6 Honor. Thank you.

7 **MR. MAYBANK:** So during one of my breaks, I'll pull
8 out all the 2010 ---

9 **MR. MCCABE:** No, that's fine.

10 **THE COURT:** Well, all the ones prior to 2010.

11 **MR. MCCABE:** Right.

12 Q: Okay. All right. After that long discussion
13 ---

14 **THE COURT:** Hold on a second. Go ahead, Mr.
15 Maybank.

16 Q: Okay. After all that long discussion, that --
17 the -- your testimony was that it -- that --
18 that the two shootings and the 911 calls were
19 sufficient for the Richland County Sheriff's
20 Department to ask the Department of Revenue to
21 revoke the license, correct?

22 A: For Hookah or are you talking ---

23 Q: Hookah.

24 A: Yes, sir.

25 Q: Okay. So two shootings and a number of 911



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1 calls, correct?

2 A: I would argue that to be a large number of 911

3 calls.

4 Q: Okay. All right. And are you personally

5 familiar with the 911 calls, 'cause I'll --

6 I'll get into that if you are?

7 A: No.

8 Q: Okay.

9 A: I'm not.

10 Q: All right. So nine simple assaults, is that

11 enough to re- -- to move from the Sheriff's

12 Department, to revoke a license?

13 A: I'm not the person that makes that decision.

14 Q: Okay. But in your opinion, should you revoke

15 -- your opinion is, we -- we should revoke our

16 license. Is your opinion that nine simple

17 assaults is enough to revoke a license?

18 A: My opinion is that I have very little to no

19 information about what you're talking about.

20 Q: Okay.

21 A: I don't have a time frame, I don't have any

22 information in front of me.

23 Q: Okay. So nine simple assaults don't bother you

24 then ---

25 A: Well ---



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- 1 Q: --- without knowing more?
- 2 A: If I -- if I understand correctly, that's from
3 2010 to now, so in the past 11 years, nine
4 simple assaults. There probably several dozen
5 simple assaults in Richland County every day,
6 if not more ---
- 7 Q: Right.
- 8 A: --- I don't -- I can't speak to that particular
9 business.
- 10 Q: All right. So you -- you don't automatically
11 say, we had to go there, but these are all
12 incident reports filed with your office, so
13 presumably, you took -- obviously by
14 definition, you took some action. So nine
15 simple assaults is not enough by itself to
16 justify revoking the license, correct?
- 17 A: Again, I don't have enough information to make
18 that decision.
- 19 Q: Okay. And unlawful conduct towards a child,
20 which was just in '19, that's not enough to
21 move to revoke a license?
- 22 A: I -- again, without having any specific
23 information to what happened, I -- I can't --
24 I can't answer that question. I don't -- I
25 don't have enough information.



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- 1 Q: Okay. And so they were two shooting incidents,
2 one in ni- -- in 8/29/15 and 8/22/2019,
3 aggravated assault, that's not enough for you
4 to think that the -- the Richland County
5 Sheriff's Department should have revoked the
6 license -- moved to revoke it.
- 7 A: Again, I -- I don't -- I don't have enough
8 information. I can't just go off one thing
9 you're telling me.
- 10 Q: Okay. A forceful rape in 2015, that's not
11 enough to move to revoke a license, without
12 knowing more?
- 13 A: You're welcome to keep going down the list. I
14 -- I don't have enough information.
- 15 Q: Okay. And then murder in 2019, without knowing
16 more, you don't think that necessarily the
17 Sheriff's Department should support revoking a
18 license, ABL license?
- 19 A: Again, without having any information, and I'm
20 not the person that makes that decision ---
- 21 Q: Right.
- 22 A: --- anyway ---
- 23 Q: I realize that ---
- 24 A: --- so I ---
- 25 Q: --- I'm -- I'm just saying, is that something



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1 -- you're testifying here today that ours
2 should be revoked, based upon two shootings and
3 a coup- -- some 911 calls, but -- but you're
4 not -- you don't know necessarily that murder
5 in 2019, forceful rape in 2015, nine simple
6 assaults, unlawful conduct towards a child in
7 2019, and about 18 other incidents, without
8 knowing more, you would not advocate revoking
9 their license, is that your testimony?

10 A: I think that it would be rash to do that
11 without any information. I have literally no
12 information, so I ---

13 Q: Okay.

14 A: --- wouldn't make a decision with no
15 information.

16 Q: Okay. So you'd need to have a lot more
17 information before deciding whether forceful
18 rape, murder, nine simple assaults, unlawful
19 conduct towards a child in 2019, would justify
20 revoking a license?

21 MR. MCCABE: Your Honor, I believe it's been asked
22 and answered multiple times at -- at this -- at
23 this juncture.

24 THE COURT: Well, he summarized it. But he ---

25 MR. MCCABE: That's fine.



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1 **THE COURT:** --- but he's reached the end.

2 **MR. MCCABE:** Right.

3 **THE COURT:** So you can -- he's asked you that
4 question, answer that one.

5 **Q:** Okay. Now you have a video -- y'all had a
6 video surveillance camera parked outside our
7 establishment for three months, correct?

8 **A:** Yes, sir.

9 **Q:** Okay. And so where are those videos?

10 **A:** At the Sheriff's Department.

11 **Q:** Okay. And so why didn't you bring the video on
12 -- on May 8th, that shows this incident?

13 **A:** Well, there are several issues with that
14 camera, there was a Jack Oliver truck parked in
15 front of it for a while that blocked the view
16 of the camera, so.

17 **Q:** But did you look before today to see whether
18 the May 8th video was -- was available?

19 **A:** I have the May 8th video, it doesn't show
20 because it's across the parking lot and you
21 don't see anything probative to my case to find
22 out who the shooter is.

23 **Q:** Okay. All right. All right. I -- I think
24 that's all -- all that -- that, hang on one
25 second. All right. And -- and obviously, you



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1 looked at a lot of bar and grills in your day,
2 restaurants and bars?

3 A: Looked at?

4 Q: I mean investigated, gone into?

5 A: I don't know that I've investigated bars
6 specifically. I investigate crimes that may
7 happen inside of ---

8 Q: Right.

9 A: --- a bar, but I don't specifically investigate
10 the establishment itself.

11 Q: Right. But you've -- you've investigated
12 crimes that have taken place in bars and
13 restaurants over the last 11 years, correct?

14 A: Yes, sir.

15 Q: Okay. And have you seen any bar and grill in
16 -- in Richland County that -- that frisk
17 customers before they're allowed in?

18 A: Nightclubs, for certain.

19 Q: Okay. Now how about metal wands to detect
20 guns, have you -- have you seen that?

21 A: Yes, sir.

22 Q: Okay. And how many have you seen?

23 A: How many establishments or ---

24 Q: Yeah. How many establishments?

25 A: Dozens.



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1 Q: Dozens of them. Okay. All right. And -- and
2 is that a good thing that they're frisking and
3 using the metal wands?

4 A: I think when they're doing it correctly, yes.

5 Q: Okay. All right. And doing it correctly, how
6 do you do it incorrectly, from a -- an
7 untrained person, for example?

8 A: Just for example, watching the video I got from
9 Hookah Lounge, I watched a number of people
10 walk right into the club without being frisked
11 or wand or it being done very poorly.

12 Q: Okay.

13 A: But ---

14 Q: And so the -- the -- the frisking and the
15 wanding took place inside the club, that --
16 that video's outside the club, correct?

17 A: Well, you're -- you're arguing that it happened
18 inside the club, I don't have any video of
19 that.

20 MR. MAYBANK: Okay. All right. All right. I think
21 that's all we have, Your Honor.

22 THE COURT: Redirect?

23 MR. MCCABE: I don't think I have any redirect, Your
24 Honor.

25 THE COURT: All right. You may step down.



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1 **INVESTIGATOR SHORT:** Thank you, Your Honor.

2 **MR. MCCABE:** Your Honor, I -- I would, at this
3 point, ask the Court to take judicial notice of
4 an order issued by yourself, which was for --
5 for this establishment, just particularly that
6 Mr. Jack Oliver testified that he did implement
7 cameras inside -- he placed cameras inside;
8 however, he did indicate that those cameras
9 were always watching the -- the bar area. I
10 just want to bring it to the Court's attention
11 that Mr. Oliver testified that there are
12 cameras inside; however, they are watching the
13 -- the bar area and do not cover the interior
14 of the club.

15 **THE COURT:** Any objection to anything he ---

16 **MR. MAYBANK:** Mr. Wolf hasn't testified, I mean, I'm
17 sorry, I -- I mean, Mr. Oliver hasn't
18 testified, but if you're asking judicial
19 notice, we have no objection.

20 **MR. MCCABE:** Yeah. Okay. That -- I mean it's --
21 it's in your order.

22 **THE COURT:** All right.

23 **MR. MCCABE:** All right. At this time, I would call
24 Sergeant Torres to the stand.

25 **COURT REPORTER:** Raise your hand please, ma'am. Do



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1 you solemnly swear the following testimony to
2 be the truth, the whole truth, and nothing but
3 the truth, so help you God?

4 **SERGEANT TORRES:** I do.

5 **COURT REPORTER:** Thank you.

6 **SERGEANT TORRES:** You will have to forgive me, I
7 have laryngitis, sorry.

8 **THE COURT:** Sergeant, I think you are the first
9 person that's ever taken the witness stand with
10 your coffee in hand.

11 **SERGEANT TORRES:** I'm so sorry. I -- I -- is that
12 disrespectful?

13 **THE COURT:** No. Not at all.

14 **SERGEANT TORRES:** Okay. I'm sorry.

15 **MR. MAYBANK:** No objection, Your Honor.

16 **SERGEANT TORRES:** Okay. Thank you.

17 **MR. MCCABE:** First time I've seen that too, that's -
18 --

19 **SERGEANT TORRES:** Yeah, I'm sorry. I had to coat my
20 throat.

21 **AUBREE TORRES,** having been duly sworn, testifies as
22 follows:

23 **SERGEANT TORRES - DIRECT EXAMINATION BY MR. MCCABE:**

24 **Q:** All right. Sergeant Torres, where -- where are
25 you employed?



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- 1 A: The Richland County Sheriff's Department.
- 2 Q: And -- and how long have you been employed by
- 3 the Sheriff's Department?
- 4 A: This'll be my 13th year.
- 5 Q: All right. And what is your official job
- 6 title?
- 7 A: I'm a Sergeant over the Uniform Division in the
- 8 Region 4 Area.
- 9 Q: Okay. And the Region 4 Area, where -- where is
- 10 that located or where ---
- 11 A: We go all the way from River Drive through
- 12 Broad River up to Chapin.
- 13 Q: All right. And are you classified as a
- 14 supervisor?
- 15 A: I am.
- 16 Q: All right. And as a supervisor, have you
- 17 become familiar with a business located at 2700
- 18 Broad River, Suite B, in Columbia?
- 19 A: Yes.
- 20 Q: All right. And as a supervisor, would you be
- 21 familiar with incident reports that were
- 22 written for that same address?
- 23 A: Yes.
- 24 Q: And what is the name of the business that's
- 25 located at this address?



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1 A: I know it as Hookah.

2 Q: Okay. And would you classify this location as
3 a problem location for the Sheriff's
4 Department?

5 A: I classify it as a nuisance and a problem for
6 not only Sheriff's Department, but for the
7 community.

8 Q: Okay. Why -- why -- what -- why do you find it
9 that way?

10 A: Not only the nuisance, but it's vagrant that
11 you have the problems that come with alcohol,
12 mainly. Not only we have officer safety
13 issues, we also have shootings, people with
14 guns, people who fight, we have car break ins.
15 We don't have the manpower, the resources to
16 handle the type of crimes and issues that
17 happen at this establishment.

18 Q: Okay. We'll get to that. So you -- you've
19 kind of touched on what types of calls of
20 service you get from this location. When you
21 get called for service from this location, does
22 that require multiple units?

23 A: Absolutely.

24 Q: And can you explain why multiple units are
25 needed to respond?



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1 A: Because there's so many people that frequent
2 this establishment and there's not many units
3 on a squad that can handle -- they have to send
4 every single one of us there to handle what
5 happens. Simply because at any given time,
6 there could be 3, 400 people at the
7 establishment as we saw when the security guard
8 got shot in the head. But we have to pull all
9 resources that we have, which takes away from
10 other calls that we may have holding.

11 Q: Okay. So when you say you pull your resources,
12 does that mean that you're pulling all of the
13 units from the Region 4 Area?

14 A: Yes. Sometimes we have to ask other regions
15 and sometimes the City of Columbia to help us
16 out.

17 Q: Okay. I'm going to hand up -- you a document
18 that has been marked as Petitioner's Exhibit 1.
19 If you can just take a look at that for me
20 please.

21 **(Petitioner's Exhibit Number 1 was referenced at this**
22 **time.)**

23 Q: And do you recognize that document?

24 A: This is gonna be a -- a report that was written
25 by Deputy Colon, when he attempted to do a



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1 compliance check at the business back in
2 November of last year.

3 Q: Okay. And what's the -- the last four digits
4 on the -- for the incident report number on
5 that? Just so we all know what we're looking
6 at.

7 A: 4418.

8 Q: All right. And you mentioned a -- an -- an
9 incident, or compliance check, is -- is that
10 part of the job responsibilities of the
11 Sheriff?

12 A: Yes.

13 Q: All right. And how -- how often does that
14 occur?

15 A: It -- it actually happens frequently with our
16 businesses that serve alcohol.

17 Q: Okay. And what are you looking for when you --
18 when you conduct those inspections?

19 A: Their liquor license and their business
20 license.

21 Q: Okay. So what exactly does this incident
22 report indicate? Now, I -- I don't want you to
23 speak as to anything that was said by anyone
24 else, but more just what -- what within the
25 report indicates or what -- if you could, just



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1 give a summary of -- of what ---

2 A: Deputy Colon, and I think there were some other
3 Community Actions Team members that attempted
4 to do a compliance check and they received a
5 lot of apprehension from the business to do
6 that compliance check. They attempted -- but
7 to the bartender, but there was some issues
8 where they were not, I guess, easily accessible
9 to see the -- the license.

10 Q: Okay. Well, let me ask you this. Let's do
11 this. Does the report indicate whether or not
12 the -- the officer asked or requested to be
13 allowed inside the business?

14 A: Yes.

15 Q: Does the report indicate whether or not that
16 was allowed to occur?

17 A: No. He received a lot of apprehension.

18 Q: Okay. Does the report indicate whether or not
19 the officer requested to see the business
20 license?

21 A: Yes.

22 Q: Does the report indicate whether or not that
23 request was refused.

24 A: Yes.

25 Q: All right. And as we -- due to the -- was a --



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1 a supervisor requested to respond to that
2 location?

3 A: Yes.

4 Q: And -- and what was the re- -- why was a
5 supervisor requested to respond?

6 A: Because the individual that was on scene, I
7 guess in charge of the business, denied access
8 inside.

9 Q: Okay. And does the report indicate who that
10 individual was?

11 A: Chris Sullivan.

12 Q: Okay. And where is that found on the report?

13 A: Under miscellaneous associate names.

14 Q: All right. Your Honor at this time, oh excuse
15 me, is this, what I've handed you as Exhibit 1,
16 does this document used in the ordinary course
17 of business for the Sheriff's Department?

18 A: Yes. This is an incident report typically that
19 we write when any type of situation occurs.

20 Q: Okay. And does this report, or was this report
21 written by a person with knowledge shortly
22 after the event?

23 A: Yes.

24 Q: All right. And is it the procedure of the
25 Sheriff's Department to retain these documents



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1 in the ordinary course of business?

2 A: Yes.

3 Q: And are you authorized to testify as a record
4 custodian for the Sheriff's Department?

5 A: Yes.

6 **MR. MCCABE:** All right. Let me -- at this time,
7 Your Honor, we would offer Exhibit 1 into
8 evidence.

9 **THE COURT:** Any objection?

10 **MR. MAYBANK:** No objection, Your Honor.

11 **THE COURT:** It's admitted.

12 **(Petitioner's Exhibit Number 1 was admitted into**
13 **evidence at this time.)**

14 Q: Let me hand you what I've marked as Exhibit 2.
15 Take a second to make yourself familiar with
16 that document and let me know when you're
17 ready.

18 **(Petitioner's Exhibit Number 2 was referenced at this**
19 **time.)**

20 A: This is a report written by Corporal Hawks.

21 Q: Oh, it is. You're right.

22 A: Yeah.

23 Q: You're right. I want to hang on to that one.

24 A: Okay, yeah.

25 Q: We have him to testified, I jumped out of



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1 order.

2 **MR. MCCABE:** I'm sorry, Your Honor. I got out of
3 order. Let me have you -- what I have marked
4 as Petitioner's Exhibit Number 4.

5 **(Petitioner's Exhibit Number 4 was referenced at this**
6 **time.)**

7 A: Okay. This is a report written by -- he is now
8 Corporal -- Corporal John Rosenberger about a
9 shooting.

10 Q: Okay. And ---

11 A: Where shell casings were collected.

12 Q: Okay. Let's talk about this report. So
13 everyone's on the same page, what are the --
14 the last four digits in that report?

15 A: 5502.

16 Q: Okay. And does the report indicate where this
17 shooting occurred, or how were police
18 dispatched?

19 A: They actually -- this is my units. My units
20 actually heard shots being fired around the
21 2700 block of Broad River Road. They -- they
22 saw a lot of people running from the Hookah
23 Lounge at that time when they heard the shots.
24 Excuse me.

25 Q: Okay. And does the report indicate evidence,



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1 what did they find?

2 A: When they heard the shots, because typically,
3 my practice when I -- when we work at
4 nighttime, as a supervisor, I would tell my
5 guys that we, because we have so many issues
6 with this business at nighttime, I would tell
7 them to put their Mickey's on, which is the
8 blue lights that stay stationary, that we would
9 set a perimeter around this business to
10 alleviate possibly some issues that may arise.
11 So at that time, I remember that that's what we
12 were doing. We were sitting stationary trying
13 to prevent issues that were happening, so
14 that's how they ended up hearing the gunshots
15 that were coming from this area and they saw
16 the people running. They ended up finding
17 shell casings by the Rush's -- behind the
18 Rush's. They found 11 shell casings behind the
19 Rush's, which is next door to the business ---

20 Q: Okay.

21 A: --- across the street.

22 Q: So if you had to give an estimate, what is the
23 -- the distance between where the shell casings
24 were found and the -- the front door of Hookah?

25 A: So you would have Hookah, you would have a



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1 parking lot, you'd have a street, and then
2 you'd have shell casings. So I would say 200
3 feet.

4 Q: Okay. Okay. And is there anything else in --
5 in that report about a shooter or -- or any
6 indication regarding where the -- the -- who
7 was being shot or anything of the -- of that
8 sort?

9 A: No. They tried to canvass the area, but they
10 could not find who was shooting.

11 Q: Okay. That's fine.

12 **MR. MCCABE:** Your Honor, at this time, I would offer
13 Exhibit Number 4 and -- oh, I'm sorry. You
14 know what? We didn't lay the foundation. Give
15 me one second.

16 **SERGEANT TORRES:** Okay.

17 **MR. MAYBANK:** You have foundation.

18 **MR. MCCABE:** Okay. That's fine. Thank you, Burnie,
19 we would offer Number 4 into evidence.

20 **THE COURT:** And you said no objection?

21 **MR. MAYBANK:** Correct, Your Honor.

22 **THE COURT:** It's admitted.

23 **(Petitioner's Exhibit Number 4 was admitted into**
24 **evidence at this time.)**

25 Q: Let me hand you what I have marked as



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1 Petitioner's Exhibit Number 5. You can take
2 that -- a moment to look at that.

3 **(Petitioner's Exhibit Number 5 was referenced at this**
4 **time.)**

5 A: This is a report that my -- Corporal Bonds
6 wrote that while they were dealing with the
7 shooting, collecting the shell casings at the
8 Rush's across the street, they were actively
9 hearing gunshots being shot at Hookah Lounge at
10 the time. This is what this report is. So
11 they had to then engage the situation across
12 the street.

13 Q: Okay. And -- and this was written by -- this
14 wasn't written by you as a supervisor, are you
15 familiar with this incident report?

16 A: Yes. I supervise the gentleman that wrote this
17 report.

18 Q: Okay. So you -- you testified that they --
19 they heard shots coming from the -- the
20 business's location, so the Sheriff approaches
21 the scene, does the in- -- does the report
22 indicate what happens as the Sheriff approaches
23 the scene?

24 A: Yes. So they see dozens of people running as
25 the shots were being fired, ultimately, a



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1 security guard identified as Timothy Walker, he
2 was shot in the head and he was laying in front
3 of the front door of the business.

4 Q: Okay. Was the Sheriff's Office able to locate
5 the -- the shooter?

6 A: Not immediately, no.

7 Q: All right. And I -- I know Mr. Maybank has --
8 has, in his opening, had mentioned this. Is
9 this investigation is still ongoing, or are you
10 ---

11 A: I believe ---

12 Q: --- aware of that?

13 A: --- I believe so, yeah.

14 Q: Okay. Did the Richland County Sheriff's Office
15 -- did the report indicate whether or not they
16 received fire as they were approaching the
17 scene?

18 A: They did.

19 Q: I'm sorry?

20 A: They did.

21 Q: They did. All right. Thank you. Does this
22 report indicate whether or not additional units
23 were requested?

24 A: Yes. So we had Region 3, K-9 Units, and City
25 of Columbia had to respond, because of the



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1 magnitude of this issue.

2 Q: All right. Now, is this document used in the
3 ordinary course of business for the Sheriff's
4 Department?

5 A: Yes.

6 Q: And was this report created by someone with
7 knowledge shortly after the event?

8 A: Yes.

9 Q: And is this procedure of the Sheriff's
10 Department to retain these documents in the
11 ordinary course of business?

12 A: Yes.

13 Q: And once again, are you authorized to testify
14 as a record custodian for the Sheriff's
15 Department?

16 A: Yes.

17 **MR. MCCABE:** Your Honor. At this time, I would ask
18 or I would offer Exhibit Number -- Petitioner's
19 Number 5 into evidence.

20 **MR. MAYBANK:** No objection, Your Honor.

21 **THE COURT:** It's admitted.

22 **(Petitioner's Exhibit Number 5 was admitted into**
23 **evidence at this time.)**

24 Q: Let me hand you what I have here as
25 Petitioner's Exhibit Number 6. Take a moment



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1 to make yourself familiar with that document.
2 (Petitioner's Exhibit Number 6 was referenced at this
3 time.)

4 A: This is a report that was written by -- she's
5 now Master Deputy Emily Hampton. I do not
6 directly supervise her but I am a supervisor of
7 this region.

8 Q: Okay. Ha- -- have you seen this document
9 before?

10 A: Yes.

11 Q: All right. What -- what -- does this -- this
12 report indicate?

13 A: That there was a gentleman who showed up at the
14 hospital shot in the stomach. He said he was
15 shot at Hookah.

16 Q: Okay. Does the report indicate, well he -- you
17 said he -- the report indicated that he was
18 shot in -- in the -- the stomach, is that
19 correct?

20 A: Uh-huh.

21 Q: All right. And does this report indicate ---

22 A: Well, excuse me, let me make sure ---

23 Q: Okay.

24 A: --- 'cause I watched -- I don't wanna te- -- I
25 watched the video, but ---



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1 Q: Yes, ma'am.

2 A: --- let's see. I'm sorry. It just says that

3 the bullet was still inside of him, it does not

4 state what -- that he was shot in the stomach,

5 it just says that he was shot.

6 Q: All right. So it says that the bullet was

7 still inside ---

8 A: Correct.

9 Q: --- is that correct?

10 A: Correct.

11 **MR. MAYBANK:** I -- I would object. The exhibits

12 speak for themselves. She's giving hearsay

13 testimony as to what the exhibits say. We --

14 we -- we could -- we have consented to the

15 incident report being entered into the record,

16 she's not familiar with the incident at all,

17 other than simply reading the incident report,

18 which we can all do.

19 **THE COURT:** Told us what she was doing was reading

20 the incident report. She was correcting her

21 testimony, but ---

22 **MR. MAYBANK:** Okay.

23 **THE COURT:** --- he shot in the stomach and said no,

24 it doesn't say that, it only says ---

25 **MR. MAYBANK:** All right.



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1 **SERGEANT TORRES:** Correct. Correct, Your Honor.

2 **THE COURT:** --- the bullet was inside him. So ---

3 **MR. MAYBANK:** We -- we certainly have no problem

4 with her reading the report if --

5 **THE COURT:** Okay.

6 **MR. MAYBANK:** --- that all she's doing.

7 **THE COURT:** All right.

8 **Q:** Does this report indicate whether or not

9 Richland County was indicated -- or was

10 contacted regarding a shooting by the -- the

11 establishment?

12 **A:** It does say that Prisma Health contacted the

13 Sheriff's Department.

14 **Q:** All right. And is this document used in the

15 ordinary course of business for Richland County

16 Sheriff's Office?

17 **A:** Yes, sir.

18 **Q:** And was this report written by a person with

19 knowledge shortly after the event?

20 **A:** Yes, sir.

21 **Q:** And is it the procedure of the Sheriff's

22 Department to retain these warrants in the, or

23 see, not warrants, these reports in the

24 ordinary course of business?

25 **A:** Yes, sir.



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1 Q: And are you authorized to testify as a record
2 custodian for the Sheriff's office?

3 A: Yes, sir.

4 MR. MCCABE: Your Honor, at this time we would
5 offer, I believe, it's the Petitioner's Exhibit
6 Number 6 into -- into evidence.

7 MR. MAYBANK: No objection, Your Honor.

8 THE COURT: It's admitted.

9 (Petitioner's Exhibit Number 6 was admitted into
10 evidence at this time.)

11 MR. MCCABE: Thank you.

12 Q: All right. So I just have a couple more
13 questions. We've heard, in an opening, about
14 a event venue location ---

15 A: Uh-huh.

16 Q: --- in -- in the same strip mall, if you will.
17 Do you have any record or are you aware of any
18 calls for service to that specific location?

19 A: No. Other than I -- I -- I just know the name
20 of it, but we don't have -- typically we don't
21 have any calls there.

22 Q: All right. And what has the environment been
23 like since the summary suspension of the -- the
24 license?

25 MR. MAYBANK: I -- I would object, Your Honor, she's



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1 not given any faculty, any background, or basis
2 for --actually would know that.

3 **THE COURT:** So you're asking that it be of her
4 personal knowledge?

5 **MR. MAYBANK:** I'm sorry?

6 **THE COURT:** You're asking that it be of her personal
7 knowledge?

8 **MR. MAYBANK:** Or -- or on an incident report?

9 **THE COURT:** All right.

10 **MR. MCCABE:** Your Honor, I ---

11 Q: Your personal knowledge as a supervisor, has
12 there been a -- what has the call volume been
13 since ---

14 A: There's only been one call, and that was on the
15 22nd when the gentleman got shot, that showed
16 up at the hospital. But there has not been any
17 call since then.

18 Q: All right. I think we've got all the exhibits
19 in. I don't have any further questions.
20 Please answer any questions that Mr. Maybank
21 they have for you.

22 A: Yes, sir.

23 Q: Thank you, ma'am.

24 **SERGEANT TORRES - CROSS-EXAMINATION BY MR. MAYBANK:**

25 Q: And so your -- your testimony is that you're --



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1 you're familiar with incident reports and
2 that's kind of one of the things you do for a
3 living, correct?

4 A: Well, I wouldn't say I do it for a living, but
5 I -- I have written incident reports, I've
6 reviewed incident reports, yes, sir. I don't
7 necessarily memorize incident reports ---

8 Q: No. Right. Okay. And so you would classify
9 our establishment as a nuisance to the
10 community be- -- because of problems with
11 alcohol, shootings, fights, and car break ins,
12 does that break down your testimony correctly?

13 A: Yes, sir.

14 Q: Okay. And so you would -- you would say that
15 any restaurant, or bar, whether they serve
16 African Americans or Whites, if they had
17 problems with alcohol, shootings, fights, and
18 car break ins, you would -- you would support
19 the revocation of their license?

20 A: It doesn't have to do with race, sir, it's just
21 the magnitude of how many crimes occur on
22 premise. It's taken away from the resources at
23 the Richland County Sheriff's Department, and
24 we cannot handle the magnitude of the crimes
25 that continue to happen at this business. It's



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1 -- it's -- it's becoming a problem for the
2 community.

3 Q: Okay. And so, you didn't answer my question,
4 though. So if -- you would support the
5 revocation of the license of any bar
6 restaurant, whether they serve African
7 Americans or Whites, that had that number of
8 incident reports?

9 A: If it became that big of a problem as your
10 business, yes, sir.

11 Q: Okay. So the -- we put it into evidence four
12 incid- -- incidents reports, is that correct?

13 A: From your business?

14 Q: Correct.

15 A: I believe so, is that correct? I don't know.
16 You have to tell me.

17 **THE COURT:** Whoa. Whoa. Whoa.

18 **SERGEANT TORRES:** I'm sorry, Your Honor.

19 **THE COURT:** Here's a simple way, can you answer the
20 question or not? You can't just say ---

21 A: Okay. I -- I don't know how many incident
22 reports he entered.

23 **THE COURT:** All right.

24 Q: Okay. But -- but I believe we put four into
25 evidence and that's enough to justify the



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1 revocation of the license, because of the heavy
2 burden on the Sheriff's Department?

3 A: No. I think that's enough to lay a foundation.

4 Q: Okay. And what need -- what else would need to
5 be done then?

6 A: I think we've laid a good foundation.

7 Q: That sounds fine. Right. Now on the incident
8 reports, I didn't see anywhere -- I saw
9 reference to shootings, but I didn't see any
10 reference to alcohol -- problems with alcohol,
11 now, between us chickens, we all know it does
12 -- what alcohol does, but there's no reference
13 in the incident report to overindulgence or
14 problems with alcohol, is that correct?

15 A: No, you're right.

16 Q: All right. And there's no incidence in the --
17 there's no incident report relating to car
18 break ins, correct.

19 A: Not the ones that we've entered into evidence,
20 no, s- -- no, Your Honor -- no, sir.

21 Q: Okay. All right. So I'm a real -- real
22 quickly go over because we've already done a --
23 gone -- been over it once, so these are the
24 post 2010 McCary's Bar & Grill. Would you
25 support the revocation for an establishment



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1 that had nine incident reports for simple
2 assault ---

3 **MR. MCCABE:** Your Honor, once again, I'll make an
4 objection. This is speculation of -- of what
5 she would do -- she -- it -- it's pure
6 speculation. She has no facts in front of her
7 of the specifics of these crimes. He's reading
8 specific crimes, no type of -- of evidence of
9 any type of circumstances, which, of course,
10 would be helpful in trying to make that sort of
11 determination. As I'm sure you're aware,
12 incidents are -- are fact based, circumstances
13 are -- are important when trying to make
14 determinations and -- and I think it's unfair
15 for him to read a list.

16 **THE COURT:** Last time I let you go into this because
17 the witness had testified that he was seeking
18 revocation on behalf of the Department ---

19 **MR. MAYBANK:** Right. She -- she said the same
20 thing, Your Honor, she -- and she does incident
21 reports for a living. She said she supported
22 the revocation of the license ---

23 **SERGEANT TORRES:** No, I did not.

24 **MR. MAYBANK:** --- because of the four to five
25 incident reports.



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1 **THE COURT:** All right. Miss, could you clarify
2 that?

3 **SERGEANT TORRES:** Your Honor, I do not do it for a
4 living. That is one component of my job.

5 **THE COURT:** Oh. Okay. That's -- all right. So
6 what's your response to his objection? He's
7 saying it's speculation again.

8 **MR. MAYBANK:** Typic- -- she -- incident reports fall
9 under her and she based -- she knows nothing
10 about the facts of our case, unlike the
11 investigator. She's basing all of her
12 testimony on -- on incident reports. So she's
13 more -- she's more relevant than the prior
14 witness.

15 **THE COURT:** Your objection is, again, speculation?

16 **MR. MCCABE:** Yes, Your Honor. He's -- he's listing
17 a set of crimes and asking her whether she
18 would support you know a revocation. And the
19 thing is, Your Honor, is he's reading a list of
20 crimes, of -- of charges. We don't know if
21 there's convictions, we don't know any of the
22 facts surrounding them, and I think it's unfair
23 ---

24 **THE COURT:** Okay.

25 **MR. MCCABE:** --- that's -- that's pure speculation.



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1 If -- if -- if ---

2 **THE COURT:** Well, no, you're the one that offered
3 the incident reports into evidence ---

4 **MR. MAYBANK:** Right. Exactly.

5 **MR. MCCABE:** Hang on. My incident reports. He's
6 referring to these McCary incident reports that
7 she has not seen, and has no knowledge of.

8 **MR. MAYBANK:** And -- and there's no convictions on
9 our incident reports. Nobody was convicted of
10 anything.

11 **THE COURT:** I'm going to allow it, again, on the
12 issue of comparative suitability, and I'll iron
13 that all out when I ---

14 **MR. MAYBANK:** Right.

15 **THE COURT:** --- make up my mind in this case.

16 **MR. MAYBANK:** That -- well that's fine.

17 **THE COURT:** Now, Mr. McCabe, before you sit down,
18 what is your position concerning what I just
19 said to comparative suitability?

20 **MR. MCCABE:** Once again, Your Honor, we believe that
21 if you're going to do a comparison, then you
22 need to compare the same, it needs to be
23 similar. It needs to be the same time frame,
24 which would be ---

25 **THE COURT:** I agree with that.



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1 **MR. MCCABE:** --- the end of 2020 to current 2021. I
2 think anything re- -- regarding McCary's up
3 until that point, is -- is not relevant.

4 **THE COURT:** Well, I agree, in part on that. I don't
5 know how far I would go, but I agree with you
6 on part, so if you could ask the question where
7 I can be clear in that regard, but I'm gonna
8 let him go into it ---

9 **MR. MCCABE:** All right.

10 **THE COURT:** --- subject it to the caveat that we
11 just discussed.

12 **MR. MCCABE:** Thank you, Your Honor.

13 Q: Okay. And so, just to repeat, you support the
14 Sheriff's position to revoke our license, be-
15 -- because of the four incident reports we went
16 through?

17 A: No, sir. I support the decision because we've
18 responded over 102 times to your business since
19 January of this year.

20 Q: Okay. You didn't testify on direct exam to 102
21 times, did you just come up with that?

22 A: No. I'm doing it based on personal knowledge
23 that I know.

24 Q: Okay. So we filed a subpoena and we didn't get
25 102 incident reports. We got five.



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1 A: No. I'm testifying that as calls for service,
2 there was 102 times that I have personal
3 knowledge, because I work for the Sheriff's
4 Department ---
5 Q: Right.
6 A: --- and I know that 102 times we've responded
7 to your business for calls for service.
8 Q: Okay. So it'd be 102 911 calls?
9 A: For service, yes.
10 Q: Okay.
11 A: That's on record, yes.
12 Q: Okay. And -- and the -- you realize of course,
13 there's a rap club directly next door to us?
14 A: I think that's an event hall, I don't know if
15 it's ---
16 Q: Yeah.
17 A: --- a rap club.
18 Q: That's correct. It's an event hall that
19 sponsors rap ---
20 A: Right ---
21 Q: --- concerts.
22 A: --- that we've do not go into -- that -- we
23 don't get calls for service there.
24 Q: Okay. Well it's directly next door. It's
25 literally the next door.



- 1 A: Right.
- 2 Q: We're -- we're Suite A and they're Suite B, or
- 3 vice versa.
- 4 A: They're typically not open.
- 5 Q: Uh-huh. Except when they have rap concerts.
- 6 A: Which is not often.
- 7 Q: I'm sorry?
- 8 A: Which is not often.
- 9 Q: Right. But -- and how do you know that?
- 10 A: Because I work, a lot.
- 11 Q: You work a lot on rap concerts?
- 12 A: No. I work a lot on my job.
- 13 Q: Right. And does your job entail going by and
- 14 seeing if the special event hall's holding a
- 15 rap concert?
- 16 A: So I work Broad River Road a lot, that's my
- 17 primary duty ---
- 18 Q: Right.
- 19 A: --- is to patrol. And so I'm constantly on
- 20 Broad River Road, and because your business is
- 21 such a nuisance, we make sure at nighttime that
- 22 we're -- we have extra patrols there, and so a
- 23 lot of our resources are constantly at your
- 24 business.
- 25 Q: Okay. And so you're actually -- you actually



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1 go out on patrol then?

2 A: All I do. I'm a -- I'm a patrol supervisor.

3 Q: Oh, okay. All right. So then -- so you would
4 then agree that since 2010, nine simple
5 assaults, one unlawful conduct towards a child
6 in 2019, larceny theft from the building's,
7 civil disturbance, five; forgery
8 counterfeiting, three. A shooting incident,
9 two aggravated assaults, one of which was in
10 2019, the other was in 2015, forceful rape in
11 2015, and murder in 2019, you ---

12 A: So I've only been in the Region 4 Area for two
13 and a half years, so I can't testify that all
14 those crimes have happened at McClary's (sic).

15 Q: Right. I'm not asking you to testify they all
16 happened, those are all your incident reports
17 that I got from your office.

18 A: I don't know if that's happened or not, I've
19 only been in my area for two years.

20 Q: Okay. And does that bother you? Murder in
21 2019, rape in 2015, shooting in 2019, unlawful
22 conduct towards a child in 2019, nine simple
23 assaults, and -- and you move -- and this is at
24 McClar- -- you're obviously familiar with
25 McCary's Bar & Grill, it's on 851 Busch River



1 Road, you're familiar with them, aren't you?

2 A: Yes, sir. What's your question?

3 Q: That doesn't bother you? That doesn't ---

4 A: Are you -- is it -- are you asking me a
5 personal question?

6 Q: Yeah. Would -- would you support the
7 revocation of that establishment?

8 A: Once again, back to my original question, any
9 establishment that has the magnitude and the
10 volume, that pulls as much resources as your
11 business, I would support a revocation of, yes.

12 Q: Okay. But -- so -- but you can't say for
13 certainty that murder, forceful rape,
14 aggravated assaults, nine simple assaults, and
15 unlawful conduct towards a child justifies a
16 revocation?

17 A: Sir, I can't testify that all those happened.
18 I don't -- I don't know, I've only been in my
19 region for two years.

20 Q: Okay. All right. So you've heard a lot today,
21 are you gonna go back and pull -- and sneak a
22 revocation against McCrary's Bar?

23 A: I don't ---

24 MR. MCCABE: Your Honor ---

25 A: --- that's not my job.



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1 **MR. MCCABE:** --- once again.

2 **THE COURT:** All right.

3 **MR. MCCABE:** Objection.

4 **THE COURT:** I sustain that objection.

5 **Q:** Okay. All right. Let's move to the CK Mart.

6 You're familiar with the CK Mart that's
7 directly by us, correct?

8 **A:** Yeah. It's a gas station, yes, sir.

9 **Q:** Okay. So your incident reports -- this is all
10 comes from your office, credit card fraud, two;
11 all other larceny, three; trespassing, one ---

12 **MR. MCCABE:** Your Honor, I would object that this is
13 a specific -- this is a completely different
14 type of license and a different type of
15 establishment and is no way relevant to a
16 retail business, liquor by the drink license.
17 This is a -- a -- a convenience store.

18 **THE COURT:** Mr. Maybank?

19 **MR. MAYBANK:** It's a convenience store. Well, can I
20 go through the list and then you make up your
21 mind?

22 **THE COURT:** Well, I -- if it's a convenience store
23 then I don't understand the -- the relevance of
24 that, comparing it to the -- I allowed the
25 comparative of suitability, so ---



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1 **MR. MAYBANK:** That -- the -- the -- the similarity
2 is they hold a beer and wine license. She says
3 that she supports this revocation because it's
4 a heavy burden on the police department. Well
5 CK Mart, right around the corner, has a beer
6 and wine license and as we -- and if you'll
7 allow me to get into, has a very heavy demand
8 on the police department.

9 **THE COURT:** I'll let you go into the heavy demand.

10 **Q:** Okay. All right. So this -- these are --
11 these are from your reports, CK Mart. Credit
12 card fraud, two; all other larceny, three;
13 trespassing, one; intimidation, one; drug
14 narcotic violation, one; disorderly conduct,
15 weapons violation, two; large group fight with
16 gun involved, suspect brandishing a weapon and
17 the police released a suspect on 8/30/2020.
18 Unlawful carry and strong armed robbery, 2021.
19 Motor vehicle theft, one; domestic disturbance,
20 one; shoplifting alcohol, one. Now those are
21 the incidents reports. That'd be a pretty
22 heavy demand on your police department,
23 wouldn't it?

24 **A:** That didn't sound like 102 calls for service to
25 me.



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1 Q: Right. No, it doesn't. So you're saying
2 without 102 calls, you're -- you're not going
3 to revoke a place that has murder and rape ---
4 MR. MCCABE: Your Honor, once again, it has been
5 made abundantly clear, the Sheriff's Department
6 does not revoke licenses and ---
7 THE COURT: I agree with you on that.
8 MR. MCCABE: --- and -- and him continuously asking
9 these questions is ridiculous. In his position
10 and his former -- former role, he knows ---
11 THE COURT: I -- look ---
12 MR. MCCABE: --- but he knows the department ---
13 THE COURT: --- he's asking about they're seeking
14 revocation.
15 MR. MCCABE: No, he asked -- he's asking
16 specifically if she would seek revocation. She
17 can ---
18 THE COURT: Oh ---
19 MR. MAYBANK: I say support revocation. I didn't
20 say seek ---
21 MR. MCCABE: Support, I -- I have no problem with,
22 all right.
23 Q: So, support revocation. All right. So you're
24 saying that, unless there's 102 calls, murder,
25 rape, abuse of a child, that you would not



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1 support revocation?

2 A: Ask your question one more time, I'm sorry.

3 Q: Without -- unle- -- let's say an establishment
4 that had murder, shootings, rape, abuse of a
5 child, if you didn't get 102 calls, let's say
6 you only got 10, or only got those five, you
7 wouldn't support revocation?

8 A: I would say that if a business had heavy demand
9 and pulled so many resources from the Sheriff's
10 Department, and was a officer safety and a
11 danger to the community, I would say yes, I
12 would support revocation of a license.

13 Q: Okay. And let's, if you'll get that exhibit,
14 that -- that -- the exhibit for CK Mart -- so,
15 let me ask you about Michael's Bistro, which is
16 a -- exactly like us, it's a restaurant on --
17 on 3001 Broad River Road. And if -- there's --
18 you're familiar with Michael Bistro, right down
19 the street?

20 A: I am.

21 Q: Okay. So they had drug narcotics violation,
22 one; drug equipment violation, one; theft of
23 motor vehicles, twelve; aggravated assault,
24 one; trespassing, two; destructive damage,
25 vandalism of property, two; disorderly conduct,



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1 one; simple assault, one; burglary, breaking
2 and entering, one; weapons law violation, one.
3 Would you support the -- would you support the
4 revocation of that license?

5 A: Once again, it does not sound like 102 calls
6 for service to me. Your business has so many
7 calls for service and demand on the Sheriff's
8 Department that we cannot keep up.

9 Q: Okay. And so it's 102 calls that's a critical
10 area in that regard? Now let me -- we're not
11 familiar with 102 calls.

12 A: Okay. And I'm not familiar with the numbers
13 that you're reading off either.

14 Q: Right. You've -- you've never looked into
15 those establishments, have you?

16 A: I've been ---

17 Q: Not once.

18 A: --- I've been to those establishments many
19 times, sir.

20 Q: Okay. So you've been to McCrary's Bar & Grill
21 many times, correct?

22 A: Actually, I haven't. The -- so the numbers
23 that you're reading off go back to like, I
24 don't know, 20 years ago, so.

25 Q: No. They go back to 2010. But now murder in



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1 2019, unlawful conduct towards a child ---

2 A: I believe that was a self defense case.

3 Q: --- 2019. I'm sorry?

4 A: I believe it was a self defense case.

5 **THE COURT:** Well, what other things ---

6 **MR. MCCABE:** Your Honor, at -- at this point, it
7 seems it's getting argumentative. She said
8 that she would support -- she -- she's clearly
9 established what she would support and Mr.
10 Maybanks -- Mr. Maybank is continuously asking
11 the same questions over and over again. I
12 don't realize what the -- is he trying to get
13 a different answer or I mean she's established
14 with -- what she would support.

15 **MR. MAYBANK:** By the end of this case, I can assure
16 you, Your Honor, their position is not gonna be
17 102 calls justifies our revocation. It's going
18 to be ---

19 **THE COURT:** Well, that's a different ---

20 **MR. MAYBANK:** I'm sorry?

21 **THE COURT:** --- that's a different issue. His
22 response is this has been asked, or his
23 objection ---

24 **MR. MAYBANK:** Right.

25 **THE COURT:** --- rather this has been asked or not.



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1 **MR. MAYBANK:** Okay. I'll move on, Your Honor.

2 **Q:** All right. So we're not familiar with 102
3 calls. Let me guess. I'm going way out on a
4 limb here, you didn't bring that list of 102
5 calls with you?

6 **A:** No.

7 **Q:** How did I know that, have I just got ESP?

8 **A:** How would I ---

9 **MR. MCCABE:** Your Honor, please? This just needs to
10 stop.

11 **MR. MAYBANK:** All right. I'll move on, Your Honor.
12 I'll move on.

13 **Q:** All right. So let me ask you. On the rap
14 concert, we've repeatedly referenced the night
15 where the guard was shot. Let me show you --
16 if you will give him that exhibit. This is an
17 advertisement for the rap concert for that
18 night. Are you -- are you familiar with that
19 rap concert? I mean, I know you're not
20 familiar with the concert, but that -- that's
21 an advertisement for the rap concert.

22 **MR. MCCABE:** Your Honor, I would object. There's no
23 one to authenticate this, unless they've got
24 someone from this business saying that this is
25 their advertisement.



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1 **THE COURT:** Well, right now the standing question is

2 ---

3 **MR. MCCABE:** Okay. I'm sorry.

4 **THE COURT:** The standing question is, are you
5 familiar ---

6 **MR. MCCABE:** With the rap ...

7 **THE COURT:** If her answer's no, then ---

8 **MR. MCCABE:** Okay.

9 Q: Now that -- that advertisement shows a rap
10 concert the night of the shooting, does it not?

11 A: May 2nd was the night of shooting. This says
12 May 1st.

13 Q: Okay. May 1st was -- the -- the shooting was
14 late Saturday night, which would be May the
15 2nd.

16 A: Okay. So then this says May 1st, the shooting
17 was May 2nd.

18 Q: Okay.

19 A: So then, this is incorrect.

20 Q: And so the -- May 2nd was -- was ---

21 A: The night of the shooting.

22 Q: --- after. Yeah, wasn't it after midnight?

23 A: Right. So then this is -- I'm not familiar
24 with this.

25 **MR. MAYBANK:** The incident report shows May 2nd.



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1 Doesn't it?

2 Q: Does he get shot after mid- ---

3 A: Well, sir, if it says May 2nd, this flyer says
4 May 1st.

5 Q: Uh-huh. So, if you get shot at 2:37 in the
6 morning, Sunday morning, that's considered May
7 2nd ---

8 A: I can't testify to that. You're asking me
9 about this flyer.

10 Q: Okay. Well, you do incident reports, if you
11 get shot at 2:37 on Saturday night ---

12 A: I can't testify that this concert happened on
13 May 2nd, if the flyer says May 1st?

14 Q: Oh, no, I -- I'm just asking you.

15 A: So what are you asking me?

16 Q: If somebody gets shot 2:30 in the morning,
17 Saturday night, Saturday's May 1st, Sunday's
18 May 2nd, is that shooting -- would that
19 shooting be characterized as a previous day, or
20 ...

21 A: No, he would be shot on Sunday.

22 Q: Okay. Right. So in this particular shooting,
23 let me -- you've already been through it, this
24 particular shooting happened very late Saturday
25 night, correct?



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- 1 A: He would have been shot on Sunday.
- 2 Q: Right. Which would be May 2nd?
- 3 A: Correct.
- 4 Q: Okay. So that concert was early Saturday
- 5 night, correct?
- 6 A: I don't know, sir.
- 7 Q: If that advertisement is correct, would that be
- 8 early Saturday night?
- 9 A: I don't know, sir.
- 10 Q: Okay. So you can't look at it and tell?
- 11 A: No, sir.
- 12 Q: That you -- you wouldn't count on an internet
- 13 ad showing -- a FaceBook ad, showing a concert
- 14 has having any validity?
- 15 A: No, sir.
- 16 Q: All right. Now, where there's a shooting and
- 17 the Sheriff's Department is notified who the
- 18 shooter is, shouldn't the Sheriff's Department
- 19 go and question the witnesses who saw the
- 20 shooter?
- 21 A: I'm not part of the Criminal Investigation
- 22 Division ---
- 23 Q: Okay.
- 24 A: --- so I don't know. I can't testify to that.
- 25 Q: Okay. You don't have any opinion as to that?



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1 A: Oh, you're ask -- oh, you're asking my opinion?

2 Q: Yeah.

3 A: Yeah. My opinion is that's -- that's what we
4 do.

5 Q: Okay. And so -- and if you know who the
6 shooter is, shouldn't you go interview him and
7 possibly arrest him?

8 A: If -- that takes a lot of different factors.

9 Q: Right.

10 A: I'm not quite sure what would be the reason,
11 but I can't testify to an ongoing
12 investigation.

13 Q: Okay. All right. So back to incident reports
14 and then I'll wrap up.

15 A: Okay.

16 Q: Walmart has hundreds of -- or more -- the
17 average Walmart has 100 shoplifting's in a
18 year, don't they?

19 A: I believe so.

20 Q: Okay.

21 MR. MCCABE: Your Honor, I would -- I would object
22 to speculation. She had no -- she had no idea
23 ---

24 THE COURT: Well ---

25 MR. MCCABE: --- I mean ---



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1 **THE COURT:** --- she said I would believe so, that --
2 do you know from your own personal knowledge?

3 **SERGEANT TORRES:** I don't know. No.

4 **THE COURT:** Okay.

5 **Q:** All right. And so, the -- the police -- I mean
6 that's just the nature of Walmart, 1,000's I
7 mean tens of thousands of customers ---

8 **A:** I mean, I would be inferring -- I can't -- I
9 don't want to lie on the stand, I don't know.

10 **Q:** So you don't have a clue how many shoplifting's
11 ---

12 **A:** I can't ---

13 **Q:** --- go in an average Walmart?

14 **A:** --- I can't put a number on it. No, sir.

15 **Q:** Okay. I know you can't put a number, because
16 you ---

17 **A:** I'm -- I -- yes, people shoplift from Walmart,
18 yes.

19 **Q:** Right. Okay. And so, you get a lot of calls
20 from Walmart?

21 **A:** We don't have a Walmart in our jurisdiction,
22 it's gonna be in the City of Columbia, so we
23 don't personally respond there. But I know of
24 people in Richland County Sheriff's Department
25 that have one in their jurisdiction and they



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1 do.

2 Q: Okay. And you've never moved to revoke
3 Walmart's beer and wine license ---

4 **MR. MCCABE:** Your Honor, once again, objection.
5 Walmart has a completely different type of
6 license and an on premise beer and wine permit.
7 There is no -- there is no way that what
8 happens at a Walmart is comparable to what is
9 happening at a restaurant, liquor by the drink
10 glasses.

11 **MR. MAYBANK:** Your Honor, he -- she has plainly
12 testified, is the reason she supports it, is
13 the demand on her Sheriff's Department from our
14 establishment.

15 **MR. MCCABE:** And Your Honor, she's also testified
16 that in her district, there's not a Walmart.

17 **THE COURT:** That's where we're getting -- you're
18 asking her to speculate now about what's
19 occurring in another district or are you a- --
20 or is there another reason?

21 **MR. MAYBANK:** Well, my point is Walmart has a very
22 heavy demand on the Sheriff's Department
23 because of all their shoplifting, they have a
24 beer and wine license, but they've never ---

25 **MR. MCCABE:** Your Honor, there -- there is no facts.



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1 **MR. MAYBANK:** Your Honor, could I finish without
2 interrupting?

3 **THE COURT:** Yeah.

4 **MR. MAYBANK:** Could you instruct him not to
5 interrupt for a minute? You could return the
6 favor when I interrupt you.

7 **THE COURT:** Go ahead.

8 **MR. MAYBANK:** The -- the -- they have -- the
9 Sheriff's Department has heavy demand from
10 Walmart. No -- nothing critical of Walmart ---

11 **THE COURT:** Right now she hasn't testified there are
12 heavy demands, she's just testifying that they
13 respond to shoplifting there. I think she
14 seems to be handling herself quite well, so I
15 -- at this point, if I thought he was confusing
16 the witness. He is on cross, he has wide
17 latitude on cross, I'll allow you to pursue
18 this for a while.

19 Q: Okay. And look, I'll -- I'll move on to the
20 easier example. You're familiar with USC
21 football games?

22 A: I have worked a few of them, yes, sir.

23 Q: Okay. And -- and they have a beer -- they in
24 fact, several beer wine licenses and they have
25 several alcohol licenses, correct?



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1 A: I don't think they sell beer at the stadium.

2 **THE COURT:** I think that's all new Mr. Maybank.

3 **MR. MAYBANK:** That's all right.

4 **THE COURT:** I thought that was all new.

5 **MR. MAYBANK:** They -- the -- the -- the counsel
6 member didn't timely protest it, so I think
7 they got their license.

8 **THE COURT:** Well, but that's new is what I'm getting
9 at.

10 **MR. MAYBANK:** So I'll -- they didn't have a beer and
11 wine license and liquor -- I know they had a
12 liquor license for years because I had drinks
13 in the private -- in their private suite.

14 **THE COURT:** Okay. Go ahead.

15 Q: And so people drink in the parking lot, don't
16 they, rightly or wrongly, when they ---

17 A: When they tailgate, yes, sir.

18 Q: Right. Tailgate. That was the word I was
19 looking for. So y'all -- the combined law
20 enforcement arrests hundreds of people after
21 every football game from a combination of DUI,
22 open container you know drinking in the public,
23 then a few fights. Every single football game
24 that happens, doesn't it?

25 A: Yes, sir. But there's also multiple agencies



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1 ---

2 Q: Right.

3 A: --- because of the magnitude of how many people
4 flood that area. So you have on any given
5 time, probably about five to six agencies ---

6 Q: Right.

7 A: --- to include SLED, I know they're ---

8 Q: Right. But definitely heavy demand. I mean,
9 the Gamecock football can- -- fans have been in
10 a cranky mood the last few seasons. There's a
11 pretty heavy demand for law enforcement in
12 their football game?

13 A: Yeah. But to compare that to your business I
14 mean I only have five guys ---

15 Q: Right.

16 A: --- on a squad to handle your business ---

17 Q: Okay.

18 A: --- plus the community.

19 Q: All right. So we're gonna get into ---

20 **THE COURT:** Maybank?

21 Q: --- our witnesses ---

22 **THE COURT:** Mr. Maybank, if you're suggesting
23 shutting down Gamecock football ---

24 **SERGEANT TORRES:** It's not gonna happen.

25 **MR. MAYBANK:** I told the city counselor he had gone



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1 to meddling when he protested their license.

2 Q: So I'm gonna be done in a few minutes, but the
3 Richland County Sheriff's Department has been
4 to the -- our establishment on many, many
5 occasions, without being called, isn't that
6 correct?

7 A: Yes, sir. We try to be proactive ---

8 Q: Right.

9 A: --- as possible. Yes, sir. So just because of
10 the things that happen.

11 Q: Okay. And so -- well, you were there many,
12 many times before the thing that happened,
13 meaning the two shootings, correct?

14 A: Yes.

15 Q: Okay. I would say as many as 10 or 15 times
16 you were either undercover or -- or in full
17 view, correct?

18 A: I don't know about undercover, so if there's
19 any undercover operations going on, I would
20 have no knowledge of that. And then that'd be
21 SLED or our own undercover narcotics, so I
22 don't know anything about from undercover.

23 Q: Okay. But y'all went there -- Richland had
24 Sheriff's Department sit there many times
25 without being called, correct?



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1 A: We try to be proactive on the outer side. In
2 case anything was to happen ---

3 Q: Okay.

4 A: --- we don't necessarily stay at the front of
5 the business.

6 Q: But that's very good, but would you answer the
7 question?

8 A: Oh, what was your question then?

9 Q: You have been -- the Richland County Sheriff's
10 Department has been there many, many times
11 without anyone calling them?

12 A: When you say many, many, many, I ---

13 Q: I would say over 10 then.

14 A: Oh, yeah. Yeah.

15 Q: Okay. Over 20?

16 A: I -- I guess. I don't know.

17 Q: Okay. Now, are you familiar with New Year's
18 Eve, where the Sheriff's Department showed up
19 along with the Fire Department, are you
20 familiar with that incident?

21 A: I just saw a body camera from that. I'm not
22 from -- I did not personally respond.

23 Q: Okay. All right. And -- and we contend no
24 fire alarm was pulled. You -- they came there
25 and of course it ruined business for the night.



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1 Nobody was called. The Sheriff's Department
2 wasn't called, the Fire Department wasn't
3 called was our contention, do you dispute that?

4 A: The only thing I can testify to that is, sir,
5 when we get dispatched, it comes through
6 Central Dispatch, so we don't just appear out
7 of nowhere. There's always record of how we
8 appear somewhere. So if the Fire Department
9 showed up, and we showed up, there's record of
10 it. So we didn't -- we didn't just show up to
11 harass.

12 Q: But you don't know why they showed up? Our
13 testimony to that will be, there was a reason
14 for y'all will be there?

15 A: It would have been because a fire alarm was
16 pulled, if that's the record.

17 Q: Okay. And -- and -- okay. In our testimony,
18 if the fire alarm was not pulled, and we
19 verified that, do you have anything to ---

20 MR. MCCABE: Your Honor ---

21 Q: --- contradict that?

22 MR. MCCABE: --- I believe ---

23 A: I don't.

24 MR. MAYBANK: All right. I'll move on, Your Honor.

25 But, Your Honor, in fairness, she said the fire



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1 alarm was pulled? I mean ---

2 **SERGEANT TORRES:** No. No.

3 **MR. MAYBANK:** --- seems to me I could reply to that.

4 **THE COURT:** She said, if it was pulled.

5 **MR. MAYBANK:** Oh. I'm sorry. Okay.

6 **THE COURT:** Am I correct?

7 **SERGEANT TORRES:** Yes, Your Honor.

8 **THE COURT:** All right.

9 **MR. MAYBANK:** That's all we have, Your Honor.

10 **SERGEANT TORRES:** Sir, would you like this?

11 **MR. MAYBANK:** Yeah. Okay.

12 **THE COURT:** Any re- ---

13 **MR. MAYBANK:** So you -- you object to this on the

14 basis of authenticity?

15 **MR. MCCABE:** Correct. There's no one here to ---

16 **THE COURT:** Well I don't know if he objected,

17 because I don't know ---

18 **MR. MCCABE:** --- it's never been en- ---

19 **THE COURT:** --- if it's even been offered.

20 **MR. MCCABE:** --- it's never been offered.

21 **MR. MAYBANK:** All right. We offer it into evidence,

22 Your Honor.

23 **MR. MCCABE:** I would object that it's hearsay and

24 that is -- also there's no one to authenticate.

25 **THE COURT:** I sustain that.



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1 MR. MAYBANK: Okay.

2 THE COURT: All right. Any redirect?

3 MR. MCCABE: Just briefly.

4 SERGEANT TORRES - REDIRECT EXAMINATION BY MR. MCCABE:

5 Q: We've heard a lot of testimony ---

6 THE COURT: Woah. Woah. Woah.

7 Q: --- about other businesses and things of that
8 sort -- I'm sorry, Your Honor ---

9 THE COURT: Go -- go ahead. Go ahead.

10 Q: Okay. We've heard a lot of questions about
11 other businesses and I just wanna kind of
12 circle back. One, did you make a request to
13 anybody at the Department of Revenue that they
14 seek revocation of a particular license?

15 A: Did I personally ---

16 Q: Did you?

17 A: --- or did the Depart ---

18 Q: Did you?

19 A: --- the Department? I personally did not.

20 Q: Have you ever?

21 A: I personally have not.

22 Q: Are you aware of -- of -- of anyone in your
23 Department or not in your -- in your -- in your
24 -- your region, under your -- your supervision?

25 A: I believe my -- honestly, I don't know. I



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1 don't know who did it.

2 Q: Okay.

3 A: I believe the Department. My Sheriff, maybe.

4 Q: But you -- you -- you -- you don't know?

5 A: I don't.

6 Q: You don't know how it got in front of the
7 Department of Revenue?

8 A: I don't.

9 Q: Okay. And -- and what -- what are the reasons
10 that you believe that a license should be
11 suspended for this location?

12 A: There's many reasons. Just the -- the problems
13 that we continue to have out of this business.
14 We -- there's an officer safety standpoint, we
15 do not have the resources to continue to handle
16 this business. On the weekends we are
17 constantly there, people are getting hurt, it's
18 overcrowded, cars are getting broken into. My
19 officers are going to get shot one day.
20 There's already been people shot there. The
21 community is at risk. It's just an imminent
22 danger to the community and not only our
23 Department. So there's no way that we can
24 continue to handle this business.

25 Q: You mentioned officers -- off -- officer safety,



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1 what would you be able to speak on as a
2 supervisor the -- the environment that they ---

3 A: Yes.

4 Q: --- encounter?

5 A: They're hostile. They -- they don't want us in
6 this business ---

7 **MR. MAYBANK:** Your Honor, he keeps going well beyond
8 my cross-examination. I didn't ask any of
9 those questions ---

10 **THE COURT:** Your response?

11 **MR. MAYBANK:** --- we object.

12 **MR. MCCABE:** I -- I believe he -- he asked questions
13 of why she was objecting to, or why she was
14 seeking revo- -- or what -- in his terms,
15 seeking revocation. I believe that I'm just
16 asking her to -- to -- to reiterate why -- why
17 she said the officer safety. She's testified
18 to off- -- officer's safety is a concern. I'm
19 just asking, what is made -- what is concerning
20 officer safety. That -- that could mean many
21 things.

22 **THE COURT:** I think it's responsive to your cross-
23 examination, but it's opening a new door. If
24 you pursue this, then you're gonna -- I got a
25 feeling he's gonna go ask questions about it,



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1 but go ahead.

2 **MR. MCCABE:** No. That's -- that's fine.

3 Q: I -- you were saying the environment?

4 A: Yes. So I have personal knowledge and
5 experience with the hostility, not only from
6 the patrons that go to this business, but also
7 from the staff, from the security that are
8 there. The security can't even handle this
9 business. They call for us for help. Security
10 are losing their weapons when they have to
11 fight the patrons. Just the environment that
12 they encourage to be there is just something
13 that we cannot handle anymore.

14 **MR. MCCABE:** Okay. No further questions, Your
15 Honor.

16 **SERGEANT TORRES:** Okay.

17 **THE COURT:** Re-cross?

18 **MS. TORRES - RE-CROSS EXAMINATION BY MR. MAYBANK:**

19 Q: You say, you -- you didn't say, environment
20 that we encourage when you testified a first
21 time ---

22 A: You didn't ask.

23 Q: I'm sorry?

24 A: You didn't ask.

25 Q: Okay. Not that -- when you testified to your



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1 lawyer the first time. And -- and would you --
2 would you speculate the environment leaving a
3 rap concert's probably gonna be a pretty rough
4 environment, too?

5 **MR. MCCABE:** Your Honor, his question's asking her
6 if he -- she would speculate.

7 **THE COURT:** I overrule that. You -- you opened the
8 door.

9 **MR. MCCABE:** Correct, Your Honor, but he just -- his
10 -- his question was, would you speculate, that
11 in itself indicates that her answer's gonna be
12 speculation.

13 **MR. MAYBANK:** I didn't say speculate, I said would
14 you suspect?

15 **Q:** Would you believe that the -- the environment
16 from a crowd leaving a rap concert would be --
17 would be pretty rough?

18 **A:** No. Are you making it a racial thing?

19 **Q:** No. So you'd -- you'd think a concert people
20 -- people leaving a rap concert is gonna be the
21 same environment as people leaving Walmart?

22 **A:** No.

23 **Q:** Or people leaving Lizard's Thicket?

24 **A:** I don't know what your question is.

25 **Q:** Okay. So you don't think that there's a -- the



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1 -- the crowd leaving a rock con- -- rap concert
2 is going to be at 3:00 a.m., 2:00 a.m. is gonna
3 be a rough crowd?

4 A: I think anybody who leaves an establishment who
5 serves alcohol at 3:00 a.m. is probably gonna
6 be a rough crowd.

7 Q: Okay. All right. And you say we encourage it.
8 Now, how do we encourage it? We -- we frisk
9 them, we do a metal wand on them, we kick them
10 out when they're -- when they're acting badly.
11 How -- how is that encouraging bad behavior?

12 A: The frisking is poorly done, it's -- it's not
13 conducted well.

14 Q: And how do you -- let's -- let me stop you
15 there. How do you know it's poorly done?

16 A: You can see on the video that I saw. I've seen
17 it personally when we sit on the outside of the
18 perimeter to be proactive, because we already
19 know that things are gonna happen at this
20 business, and then we've watched the security
21 and they halfway touch people or they just let
22 people walk by. I've personally seen it. So
23 they've let people go in and people have found
24 guns in the establishment. Security has lost
25 their own gun. So I mean, guns are being found



1 on this property.

2 Q: Okay. We're -- we're familiar with one
3 incident and we called 911 and turned in the
4 pistol to you. Are you familiar with that?

5 A: I am.

6 Q: Okay. Is there anything wrong or is that a
7 burden on your resources, with us dialing 911
8 when we find a pistol?

9 A: Absolutely not. We encourage working together.

10 Q: Okay. And so what other pistols have been
11 found? I'm not familiar with the other
12 pistols.

13 A: May 22nd. There was a -- my officers responded
14 for a civil dispute where a male supposedly hit
15 a female and my officer noticed a man that had
16 a gun in his waistband. They went to fight him
17 and then he went to go pull for a pistol that
18 was in the floorboard, so there was two pistols
19 that were found on -- on your property ---

20 Q: Uh-huh.

21 A: --- and that was after your liquor license was
22 revoked.

23 Q: Okay. And so why was there no incident report
24 written on that?

25 A: There was, May 22nd.



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1 Q: All right. All right. So it'd be those two
2 incidents? The one where we turned in and the
3 one where y'all ---

4 A: No. There's many incidents -- there's over 50
5 incident reports that we have at your business,
6 but if you will, I mean, there's multiple with
7 guns and shootings, shell casings.

8 Q: And -- and so why haven't those incident
9 reports been produced? You testified to three.

10 A: I mean, there's plenty of them. I personally
11 go to your business all the time. I am a
12 supervisor. I see all the reports that my guys
13 write.

14 Q: And so, let me guess, I'm -- I'm way on a limb
15 here, you didn't bring those 50 incidents
16 reports today, did you?

17 **MR. MCCABE:** I -- I can't -- I can't answer.

18 A: Oh, okay. I mean ---

19 Q: All right.

20 A: --- yeah, I have them.

21 Q: But you didn't bring them today?

22 A: Yeah. I do. Do you want them?

23 Q: I -- I -- I certainly would, but let's finish
24 up here. So the frisking's poorly done, our
25 security guards are trained by SLED -- SLED



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1 certified. Doesn't SLED do a pretty good job
2 of -- of training you how to do frisking with
3 a metal wand?

4 **MR. MCCABE:** Your Honor, I don't believe she can
5 speak to SLED's processes of certification.
6 She's a -- an officer of Richland County.

7 **THE COURT:** Well I think she can tell us if she can
8 or cannot, so I'll go with her first. Do you
9 know?

10 **SERGEANT TORRES:** I do not know how they train.

11 **THE COURT:** Okay.

12 **MR. MAYBANK:** Okay. All right. That's all we have,
13 Your Honor.

14 **THE COURT:** Any ---

15 **MR. MCCABE:** No, Your Honor.

16 **THE COURT:** Okay. You can ---

17 **MR. MCCABE:** No.

18 **THE COURT:** --- step down.

19 **SERGEANT TORRES:** Thank you, Your Honor.

20 **MR. MCCABE:** Your Honor, we just have one more
21 witness. At this time, I would call ---

22 **THE COURT:** How long will that witness be? Trying
23 to decide whether to take a lunch break now or
24 not.

25 **MR. MCCABE:** Your -- Your Honor, it may be



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1 appropriate to -- to take a break. I -- we've
2 got two incident reports we need to go through.
3 I mean, I can -- I can speed it up a little bit
4 if necessary, but I don't know how long Mr.
5 Maybank will take.

6 **THE COURT:** Well, we could -- we can either just
7 take a break now or take a lunch break now,
8 which -- which do y'all propose?

9 **MR. MCCABE:** I -- I have no objection to -- to a
10 lunch break if -- if that ---

11 **MR. MAYBANK:** Yeah.

12 **MR. MCCABE:** --- suites the -- the Court.

13 **MR. MAYBANK:** I agree, Your Honor.

14 **THE COURT:** Okay. Well then let's just be back --
15 it's 12:03 by this computer. I don't know if
16 it's correct, but wanna be back by 1:30 or --
17 or sooner?

18 **MR. MAYBANK:** 1:30's fine with us, Your Honor.

19 **MR. MCCABE:** That's fine, Your Honor, thank you.

20 **THE COURT:** Okay. Well let's take a -- let's break.
21 Thank y'all.

22 **MR. MCCABE:** Thank you.

23 (Off the record from 12:04 p.m. until 1:31 p.m.)

24 **THE COURT:** Let's resume the fun.

25 **MR. MCCABE:** Thank you, Your Honor. We have two



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1 more witnesses and I think we'll be able to
2 pick up the pace a little bit with both of
3 them. If everyone ready, we would go ahead and
4 call up Corporal Hawkes to the stand.

5 **COURT REPORTER:** Raise your right hand, please, sir.
6 Do you solemnly swear the following testimony
7 to be the truth, the whole truth, and nothing
8 but the truth, so help you God?

9 **CORPORAL HAWKES:** I do.

10 **COURT REPORTER:** Thank you.

11 **THE COURT:** So, Corporal, when I see all these
12 billboards about Hawklaw, are they talking
13 about you?

14 **CORPORAL HAWKES:** I won't -- we are not related and
15 he's on the let them out; I'm on the lock them
16 up. We should join forces and we might make a
17 great team.

18 **THE COURT:** Yeah. I don't know. You may be
19 fighting with one another. It looks like you
20 would win.

21 **CORPORAL HAWKES:** Thanks, sir.

22 **JOHN HAWKES,** having been duly sworn, testifies as
23 follows:

24 **CORPORAL HAWKES - DIRECT EXAMINATION BY MR. MCCABE:**

25 **Q:** All right. Corporal Hawkes, thank you for



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1 being here. Just a couple basic questions.
2 Where are you employed?
3 A: Richland County Sheriff's Department.
4 Q: All right. And how long have you been there?
5 A: A little over nine years.
6 Q: All right. And how long have you been in the
7 district you're in now? How long have you been
8 in -- patrolling that area?
9 A: I served as a corporal oversee squad in Region
10 4 for a little over a year.
11 Q: Okay.
12 A: I'm now transferred to training division.
13 Q: Okay. Okay. As a result of your duties, have
14 you become familiar with the address located at
15 2700 Broad River Road, Suite B?
16 A: I have.
17 Q: And what is the name of that business to your
18 recollection?
19 A: I believe it's an LLC. It's a d/b/a as the
20 Hookah Lounge or Hookah on the River. We just
21 call it Hookah.
22 Q: All right. And with your -- your involvement
23 with this location, would you classify it as a
24 problem?
25 A: Absolutely.



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1 Q: Okay. And why would you classify it as such?

2 A: The nature of the incidents that we respond to
3 at the location are, I would say, progressing
4 in severity. I believe since October of last
5 year, there were 17 incidents in nine months
6 involving firearms. Eight of those were
7 actually where shots were fired and two of
8 those where someone was actually shot or shot
9 at, or somehow struck.

10 Q: Now, those numbers you're referencing, that --
11 that would include if somebody was in the
12 parking lot? That doesn't mean inside the
13 business, but just in that general parking lot
14 area. Is that what you're -- you're referring
15 to?

16 A: The only business that's opened at that hour is
17 the Hookah Lounge, and at times, I think one
18 time that I can recall, the event center may
19 have been in operation or opening at -- on one
20 weekend. But for the most part, yes. They are
21 not all limited to inside the club. They --
22 either by the door or in the parking lot, in
23 the vicinity.

24 Q: Okay. Okay. I'm going to hand you up what we
25 have marked as ---



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1 A: Excuse me.

2 Q: --- Petitioner's Exhibit 2. If you could just
3 take a look at that real quick and make
4 yourself familiar with it. Are you familiar
5 with this document?

6 (Petitioner's Exhibit Number 2 was referenced at this
7 time.)

8 A: Yes, sir.

9 Q: All right. And who is the author of this
10 document?

11 A: I am.

12 Q: All right. So, I've got some questions about
13 this incident report. What was the date of
14 this incident?

15 A: I believe this was February 7th.

16 Q: All right. And can you tell us what you were
17 actually -- what was your -- the initial
18 dispatch response? Why were you called to that
19 location?

20 A: The initial call for service was requested
21 generally around 3:00 a.m. We were summoned,
22 I believe, by security. The crowd had grown
23 unruly at the door. I guess they anticipated
24 there was going to be a fight. We did monitor
25 the situation before engaging.



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1 Q: Okay. So, it's your testimony that security
2 was -- was on the premises at that time?
3 A: That's correct.
4 Q: Okay.
5 A: Which security were you referring to?
6 Q: I -- I'm sorry. Club security. Security for
7 -- for Agua Pina.
8 A: We have -- there's two different security
9 detachments, I guess you would call them.
10 There's the club security and then, there's the
11 exterior security, which is usually the SLED
12 armed security guards.
13 Q: Okay.
14 A: If you'd like me to explain.
15 Q: Yes. If you could.
16 A: The -- the way it was explained to use by the
17 head of two different security companies, they
18 are in charge of everything that is in the
19 parking lot area. They are not allowed to go
20 in the club. They're not allowed to work the
21 door. They're not allowed to be inside. They
22 basically handle everything that's outside,
23 away from the little area by the door in that
24 corner. The inside of the club is, I guess,
25 the business staff, the people at the front



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1 door. They -- I'm not sure if they're
2 security, bouncers, greeters. I'm not sure
3 what role they play. They kind of revolve in
4 different areas that they -- I -- I've seen
5 them doing different things at different times.

6 Q: Okay. So, let me clarify, on the evening in
7 question, did you observe armed security on the
8 premises?

9 A: Yes.

10 Q: All right. Now, it is -- do you know if it was
11 the armed security that called for assistance
12 or if that was the interior or the -- or do you
13 -- do you know with ---

14 A: If I can ---

15 Q: --- which ---

16 A: --- ref -- if I can read.

17 Q: Yeah.

18 A: Look over my report just to make sure. On this
19 particular occasion, I was actually approached
20 by -- I think it was a tall black male wearing
21 a bright yellow sweatshirt. Having -- having
22 numerous different interactions with the group
23 in the -- at the location, I believe he was
24 kind of like bar back, took out the trash, he
25 cleaned up things.



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1 Q: Okay.

2 A: I'm not exactly sure what his role was, but he
3 was one that approached me and explained that
4 they were causing a disturbance at the front
5 door and they were trying to close.

6 Q: Okay. Your report indicates that you had to
7 leave the scene. That -- that -- well, the --
8 yes. That -- for a priority one call. What
9 exactly does that mean when -- when you had to
10 -- the leave? What -- how did that ---

11 A: I was called away to another incident that was
12 occurring at another location. I -- honestly,
13 I couldn't tell you which one it was. I didn't
14 note it in the report as to actually where I
15 had to go, but I was called away to a priority
16 one call, which one mean something of great
17 importance, either a violent crime, they're may
18 be a weapon involved somewhere else. But as
19 the supervisor on the road, I would have
20 responded as well to oversee things and then I
21 returned. Obviously, it was where I state
22 later in the report that I did return to the
23 club at 0400.

24 Q: Okay. And -- and why did you return back to
25 the club at -- at 0400?



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1 A: I'm sorry. I believe I misspoke. I was called
2 away and upon return, I was approached by the
3 male wearing the yellow sweatshirt.

4 Q: Okay.

5 A: That's when I was told that there was a
6 disturbance. Apparently, there was nothing of
7 any great importance when we arrived, when I
8 arrived the first time. So, I was able to
9 leave and then, when I came back is when I was
10 approached by the man in the yellow sweatshirt
11 explaining that the club was trying to close.
12 There was some kind of a disturbance at the
13 door and I see I stated here is after the crowd
14 began to disperse, we dispersed the crowd.
15 They were trying to close. We assisted them as
16 best we could to have the people leave the area
17 and go elsewhere, not congregate around in the
18 parking lot. And I said, as the crowd began
19 disperse, security began allowing patrons to
20 resume forming a line along the entry back into
21 the club, which is when is explained to the
22 security that we don't work your door. We're
23 not here for that. And we -- all units on
24 scene departed.

25 Q: Okay. Now, I notice at the very beginning of



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1 the report it says that C squad units. How
2 many -- do you know -- are you able to tell
3 from this report how many units were on scene?

4 A: I can't tell from this report. At this time,
5 my squad consisted of five people including
6 myself. It would've been at least two or
7 three. And if I remember correctly, we had a
8 reserve deputy, possibly two riding us -- with
9 us that night.

10 Q: Okay. Your report indicates that you had to
11 return back to that location at 0400. What --
12 what was -- what was that about?

13 A: Approximately 0400, we were requested to return
14 to the location for disturbance inside the
15 club. Upon arrival, I informed the -- by the
16 doormen that security had discharged pepper
17 spray inside the club. EMS was on scene at the
18 time treating a patient in the parking lot. It
19 was a young black female who had consumed too
20 much alcohol and was having a -- for lack of a
21 better term, it was a respiratory incident,
22 whether it be an asthma attack or could have --
23 it was probably caused by -- I won't speculate
24 and say what the cause was, but they introduced
25 pepper spray into a large crowd. Oxygen



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1 content goes down and makes it harder for them
2 to breathe. Then they did tell us that there
3 was pepper spray discharge inside the business.

4 Q: Okay. So, what did you -- what did the Sheriff
5 do at that point?

6 A: At that time, I notified them that they were
7 closing due to the inhalation hazard inside the
8 business. I was given a little bit of friction
9 and I explained that that's fine. If you'd
10 like me to, I would happy to call the fire
11 department down here. They can take an oxygen
12 level meeting -- reading. If it's under 19.5
13 percent, it's still a health hazard, they would
14 be closing.

15 Q: Okay. So, it indicates in your report that you
16 asked to speak to the manager the owner; is
17 that correct?

18 A: I noted in here a past experience we had -- oh,
19 I'm sorry. I do see it. At the end of where
20 I explained about to ventilate the club. There
21 was no manager on or around scene at the time
22 of the exposure -- at the time of the response.

23 Q: Okay. Who did you -- who did you speak to at
24 that time?

25 A: I believe it was the same as in the past. I



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1 can't recall exactly who I spoke to that night.
2 In the past I had been in -- I had been
3 approached by -- I believe he's seated in the
4 -- in the gallery.

5 Q: Okay.

6 A: He identified himself the first time to me as
7 a lobbyist and then a public relations liaison
8 or some kind of title involving PR for the --
9 for Mr. Oliver.

10 Q: Okay. And could you just indicate who -- who
11 in the gallery you said that is?

12 A: The second row, first seat along the aisle.

13 Q: All right. So, that was the incident on --
14 looks like the 7th.

15 A: That's correct.

16 Q: Do -- or excuse me. Does the Sheriff use or
17 retain these documents in the ordinary course
18 of business?

19 A: Yes.

20 Q: Retain their reports in the ordinary course of
21 -- of the investigation and ---

22 A: That is correct.

23 Q: --- in the business of the Sheriff? Was this
24 report written by someone -- obviously, someone
25 with knowledge of the -- of the event shortly



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1 thereafter?

2 A: Yes. I was on scene. I was one scene and I
3 was one who created -- I completed and create
4 -- I created and completed the report.

5 Q: Okay. And are you authorized to testify as a
6 record custodian for the Sheriff's Department?

7 A: Yes, sir.

8 Q: All right.

9 **MR. MCCABE:** At this time, Your Honor, we would
10 offer Exhibit Number 2 into evidence.

11 **MR. MAYBANK:** No objection, Your Honor.

12 **THE COURT:** It's admitted.

13 **MR. MCCABE:** Thank you, sir.

14 (Petitioner's Exhibit Number 2 was admitted into
15 evidence at this time.)

16 Q: And last one. Let me hand you what is marked
17 as Petitioner's Exhibit 3. Take a look at that
18 real quick. Okay. Do you recognize this
19 document?

20 (Petitioner's Exhibit Number 3 was referenced at this
21 time.)

22 A: I do.

23 Q: And -- and what is this document?

24 A: This is a Richland County Sheriff's Department
25 incident report. It's dated February 11th of



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1 2021, approximately 222 hours in the morning.

2 Q: All right. Do -- can you tell us why you
3 respond -- or why you were on the scene, why
4 you were at this location?

5 A: This was at 2:22 in the morning. I observed
6 the business of the Hookah Lounge to be --
7 still be in operation. My attention was called
8 to the business only because of loud noise
9 emanating from the business. The noise was
10 audible at more than 50 feet from the business
11 on Rushmore Road. Upon arrival, I contacted
12 the two armed security guards who were wearing
13 security uniforms. Explained they were outside
14 security. And I inquired as a point of contact
15 for their security company, which I was given.
16 I requested the manager of the club come
17 outside and speak with me, and I was met by the
18 business' public relations liaison who did not
19 give his name at the time, but identify himself
20 as a lobbyist.

21 Q: Okay. Were you told who the -- who the manager
22 was?

23 A: I did. I believe I requested the name and he
24 gave me the name of Kiara Nelson.

25 Q: Okay. And at any time during that evening, did



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1 you -- were you able to speak with Ms. Nelson?

2 A: No. I was told that she not on the premises at
3 the moment. That she would be back in about 15
4 minutes. I did wait for her. I did not ever
5 get to speak with her. She did not return
6 after, I think -- I stayed later, 30 minutes
7 and she had not returned.

8 Q: Okay. And at that point, did you -- did you
9 speak to someone else?

10 A: There was female that left the club, that
11 walked outside. I asked -- since it was a
12 female I was looking for, if that had been Ms.
13 Nelson. He identified her as a bartender.

14 Q: Okay. Did you speak to Mr. -- Mr. Oliver about
15 anything?

16 A: Yes. I said, after about 30 minutes, Ms.
17 Nelson had not returned and the liaison
18 directed me to the owner, who identified
19 himself as Jack Oliver. The number is in the
20 report of 803-271-0080.

21 Q: Okay. And did you explain to Mr. Oliver why
22 you were there that evening?

23 A: I believe I did.

24 Q: Okay.

25 A: I explained to him about the -- the noise is



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1 why I stopped. We also got into a discussion
2 over the Governor's mandates -- the executive
3 orders, I'm sorry, placed in -- put into place
4 because of the COVID pandemic.

5 Q: Did you -- did you request access to be able to
6 check compliance with the Governor's executive
7 orders?

8 A: I did. I'd been informed that they did not
9 have a liquor license at the time when I made
10 contact. And I did ask to verify them. They
11 are supposed to be posted in full view of the
12 public inside the establishment. And they're
13 also supposed to be accessible by law
14 enforcement or any other agent of the
15 government that wants to do an inspection for
16 compliance.

17 Q: Okay.

18 A: I was emphatically denied access to go inside
19 the club at all.

20 Q: Okay. And -- and who denied you access?

21 A: See if I wrote it in my report. I was
22 emphatically denied access by the business
23 owner. Yeah. That's on here.

24 Q: Okay.

25 A: Via the telephone.



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1 Q: Okay. Is this a document that's kept in the
2 regular course of business for the Sheriff's
3 Office?

4 A: It is.

5 Q: And is it the ordinary practice to retain such
6 reports?

7 A: It is.

8 Q: And who was the author of this report?

9 A: I believe I was.

10 Q: Okay. And are you authorized to testify as a
11 record custodian for the Sheriff's Office?

12 A: I am.

13 MR. MCCABE: Your Honor, at this time, we would
14 offer what would be marked as Petitioner's
15 Exhibit Number 3 into evidence.

16 MR. MAYBANK: No objection.

17 THE COURT: It's admitted.

18 (Petitioner's Exhibit Number 3 was admitted into
19 evidence at this time.)

20 Q: Just one -- a few other questions. How would
21 you categorize your interactions with the staff
22 and security of -- of the establishment, your
23 -- your personal -- your personal interactions?
24 What do you observe or ---

25 A: I would not call it a cordial interaction. We



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1 were denied access numerous times. I believe
2 one time I responded, the management wanted to
3 keep us from entering the club to look for a
4 endangered patron. That we had gotten a call
5 that there was someone in the club who had
6 been, I guess, struck in the head with
7 something and he was bleeding. We arrived.
8 Fire had been denied access. EMS had not yet
9 arrived. They would let them go in to try to
10 find the injured -- injured person. So, we
11 went in and checked for it and I was greeted at
12 the door by people telling us we couldn't go in
13 there, we weren't allowed to go in there, and
14 then, I was greeted inside the door by the
15 public relations liaison.

16 Q: So, just -- just so I'm -- I'm sure on this, is
17 your testimony that this incident you're
18 speaking of, that -- that the fire department
19 was denied access?

20 A: That's correct.

21 Q: All right.

22 MR. MCCABE: Your Honor, I have no further
23 questions.

24 THE COURT: Cross?

25 CORPORAL HAWKES - CROSS-EXAMINATION BY MR. MAYBANK:



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1 Q: I'm going to ask you a few quick questions or
2 I -- I'm going to start where -- are you aware
3 of fake 911 calls in Richland County where for
4 whatever reason people make a fake, an
5 illegitimate 911 call on a bar or a restaurant?
6 A: I'm not familiar with any that occurred at this
7 location. No.
8 Q: I'm sorry. I didn't hear you.
9 A: I'm not -- I'm not aware of any that were made
10 in reference to this location. No.
11 Q: Okay. Well, how about in general?
12 A: We get 911 hangup calls throughout the county.
13 We get 911 hangup calls from businesses. We
14 still investigate. We send someone by there to
15 make sure that there's nothing actually going
16 on depending on the severity of the situation.
17 Q: Right. Now, a hangup is where, you know,
18 people sometimes accident -- like on my cell
19 phone, it'll accidentally dial 911. Is that
20 what you're referring to when you say a hangup?
21 A: I -- I can't speak to how the 911 hangup is --
22 is placed. All we know is the dispatch
23 dispatches us out and says there's a 911 call
24 or this incident was reported by a 911 from a
25 911 prefix. That's ---



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1 Q: But you're -- you're not familiar with the
2 concept where there's a 911 call to harass an
3 establishment and police get there and
4 absolutely nothing is going on?

5 A: I've seen it in movies. Watched it on T.V.,
6 but not -- not ---

7 Q: But you -- you ---

8 A: --- to my knowledge have I ever heard of anyone
9 actually calling someplace to, I don't know,
10 harass them by using law enforcement to harass
11 a business.

12 Q: You say you've never heard of that?

13 A: Not personally. No.

14 Q: Right. Okay. And so, it's your testimony that
15 in -- you've never been involved in an
16 experience where you got a 911 call and you
17 went to the bar or restaurant or any business,
18 and absolutely nothing had gone on?

19 A: No. We get 911 calls all the time that we get
20 to the area where they say there is an incident
21 happening of whatever nature. If we arrive and
22 there's nothing there, we've checked, we don't
23 find anything, we clear the call and keep
24 going.

25 Q: Okay. I -- that's all I'm asking. So, you're



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1 saying that does happen all the time, then.

2 A: It -- I wouldn't say it happens all the time.

3 Q: Okay.

4 A: I said it happens.

5 Q: Okay.

6 A: That's ---

7 Q: All right. Now, where you have illegal
8 firearms, you go into a bar or restaurant or
9 any commercial establishment and there's
10 illegal firearms, you would always write an
11 incident report about that, wouldn't you? Not
12 you, but I mean, the -- the Sheriff's
13 Department.

14 A: Could you be more specific as to -- to
15 circumstances?

16 Q: So -- so, you -- you -- you were called in to
17 the use of -- as illegal weapons were found in
18 a bar, either somebody was waving them or -- or
19 somebody surrendered them when -- when you
20 write an incident report regarding illegal
21 weapons, that's obviously a fairly serious
22 matter, isn't it?

23 A: I would think so. Yes.

24 Q: Okay. And so, wouldn't there an incident
25 report every time there was a use of weapons?



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- 1 A: I believe since October, we've written 17
2 reports that involve firearms, 8 of which where
3 they're actually discharged, and 2 of them
4 where actually someone was struck.
- 5 Q: Okay. Well, you -- now, will you answer my
6 question?
- 7 A: Would we write a report if we went to a
8 location where firearms were located or -- or
9 recovered?
- 10 Q: Right.
- 11 A: Yes.
- 12 Q: Okay. And just about every time, correct?
- 13 A: I would almost be 100 percent positive ---
- 14 Q: Right.
- 15 A: --- that we would. I don't see a situation
16 where we wouldn't.
- 17 Q: Okay. Now, so you initiated -- the -- the
18 Sheriff's Department initiated this action to
19 revoke our ABL license, correct? You contact
20 -- you -- you -- royally you, the Sheriff's
21 Department contacted the Department of Revenue
22 to revoke our license, correct?
- 23 A: I have no idea how the Department of Revenue
24 got in -- got involved. I know that they are
25 the ones that are seeking a revocation, not the



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1 Sheriff's Department. We can't -- as officers
2 in the Sheriff's Department, we can't revoke a
3 license issued by the Department of Revenue.
4 That's ---

5 Q: Right.

6 A: --- solely their job.

7 Q: Okay. So, your testimony is you have no idea
8 why we're here today, who initiated -- now, you
9 obviously have an idea why we're here, but you
10 have no idea who initiated the proceeding
11 today?

12 A: As far as I'm concerned, the DOR. As far as I
13 know, the Department of Revenue is the one who
14 has initiated the proceedings to revoke the
15 license.

16 Q: Okay.

17 A: I don't know of any other parties that are --
18 that -- capable of doing that.

19 Q: Okay. Obviously, y'all are far more aware of
20 illegalities that go on in bars and restaurants
21 than the Department of Revenue. You never go
22 to the Department of Revenue and say, hey, we
23 -- we got either oppose a renewal of their
24 license or we need to -- to revoke their
25 license?



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- 1 A: My only role in this is if we respond to a
2 scene, we document the incident and that gets
3 transferred into the database. If the
4 Department of Revenue extracts data from that
5 to initiate their own course of action, that's,
6 I would say, above my paygrade.
- 7 Q: Okay.
- 8 A: I don't have any -- I don't have firsthand
9 knowledge of it.
- 10 Q: Right. So, you're not supporting our
11 revocation of our -- of our license today;
12 you're just here to testify, correct?
- 13 A: I'm here as a -- as a witness for the
14 Department of Revenue. Do I personally think
15 that we should revoke the license? Absolutely.
- 16 Q: Okay. All right. And you personally think we
17 should revoke our license because we had the
18 two shootings, and we had a number of 911
19 calls, correct?
- 20 A: No. Actually, I think there's been 130 some
21 odd calls for service there in the last 9
22 months.
- 23 Q: Okay.
- 24 A: And I think that's a little high for one
25 location in a nine-month period since opening



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1 until like, I would imagine, I think a couple
2 of weeks ago.

3 Q: Okay. And so, to that location -- that
4 location being where the -- the -- the rap
5 club, Rush's and our establishment, correct?

6 A: Right. Which I think I've explained that they
7 aren't open at that hour. The rap club, I'd
8 only seen -- actually -- the event center had
9 only been open, I believe on one occasion that
10 I'm familiar with that they were actually
11 opening towards the end of an evening, after
12 party or something like that. I'm not sure
13 what the -- what the theme of the party was or
14 the reason they were opened.

15 Q: Right. So, the rap club in your opinion, then
16 the rap club has caused absolutely no problems
17 for the community or Richland County Sheriff's
18 Department, as far as you're aware?

19 A: I don't have any evidence to support that they
20 are a cause of -- of issues. I don't have a
21 stack of reports showing that we've responded
22 to that exact location for that business or
23 that -- it's only been open, I believe a few
24 times that have been in correspondence, and at
25 the exact same time simultaneously with the --



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1 the other club located next door.

2 Q: Yeah. And I -- I'm just asking of your
3 personal knowledge, the Rap is not a problem
4 whatsoever there.

5 A: I haven't found it to be.

6 Q: Right. Okay.

7 A: At least not while I've been ---

8 Q: Right.

9 A: --- operating in that area.

10 Q: All right. And so, do -- you say there were
11 109 calls? I forget.

12 A: I believe it was roughly 130, give or a take a
13 few. I think it was right around 130 ---

14 Q: Okay.

15 A: --- from what I can ascertain.

16 Q: And would that be 130 911 calls or just calls
17 in general?

18 A: I believe it would be a -- I don't think
19 they're all 911 calls. I'm sure there's some
20 that were initiated by private citizens. There
21 was probably some that we observed. I couldn't
22 speak to the exact number of each category of
23 call and how it was generated.

24 Q: Okay. And -- and let me guess, you didn't
25 bring the list of 130 911 calls today, did you?



1 A: No. Not with me.

2 Q: Okay.

3 A: I'm sure they could produce it for you.

4 Q: All right. Well you brought a bunch of

5 documents. You've testified to a bunch of

6 documents. Why -- why didn't you bring that

7 one? That -- you say that's a whole basis of

8 your testimony and you didn't bring that one?

9 A: No. I just confirmed it since you brought up

10 two other clubs that have been open for 20-odd

11 years and wanted to compare their length of

12 involvement with us to their nine months worth

13 of involvement. And there's -- I would say

14 that the numbers don't spread over those time

15 periods ---

16 Q: Right.

17 A: --- accurately.

18 Q: But we've only be open -- we've been opened one

19 year, I guess. A year and a half or -- October

20 of 20 ---

21 A: Nine months.

22 Q: --- 20. October 2020. Does that jive?

23 A: Nine months. Yes, sir.

24 Q: Okay. All right. And so, a hundred and -- so,

25 you brought a whole bunch of documents. You've



1 testified to a whole bunch of documents, but
2 you didn't bring that document.

3 A: No, sir.

4 Q: Correct?

5 MR. MCCABE: Your Honor, I believe that's been asked
6 and answered.

7 MR. MAYBANK: He -- he gave an equivocal answer.

8 THE COURT: I don't think he did, but I'll let you
9 ask.

10 MR. MAYBANK: All right.

11 THE COURT: Ask it one more time.

12 Q: All right. So, you did -- you didn't bring
13 that document and -- and that's the whole basis
14 of your testimony today. And -- and would you
15 -- would you care to tell us why you didn't
16 bring that, the whole basis of your testimony?

17 A: I don't believe that was the basis for my
18 testimony.

19 Q: You just told us a minute ago, did you not,
20 that you -- you oppose -- you are in favor of
21 the revocation because you've had 120 -- 130
22 calls.

23 A: You asked for my opinion in that. I'm -- I'm
24 ---

25 Q: Right.



- 1 A: I'm not -- it's not evidence of my opinion.
2 I'm just giving you my opinion and based on a
3 arbitrary number around 130 ---
- 4 Q: Right.
- 5 A: --- I wasn't specifically citing one versus the
6 other. The ones that I was asked about it, I
7 think I've already talked or I've explained my
8 involvement in those.
- 9 Q: Right. So, I -- my -- my point being you --
10 you talked about your involvement in those and
11 you've said that the 130 calls is a lot of --
12 is a lot of burden on the Department, correct?
- 13 A: No. I didn't say that.
- 14 Q: Is there not a lot of burden or you just didn't
15 say it?
- 16 A: I didn't say that.
- 17 Q: All right. So, what is -- what is the
18 significance of the 130 calls today?
- 19 A: The 130 calls over a nine-month period versus
20 the list that you labeled off earlier that goes
21 all the way back to 1996 and 1998 gives an
22 inaccurate description of the -- the volume --
23 not the volume, but I would say the density of
24 the amount of calls. If you were to take a
25 nine-month section or cross-section of the



1 other two businesses, I -- almost be fair -- I
2 -- I would almost be that you won't find a 132
3 calls in the last nine months at those
4 businesses.
5 Q: But I -- I'm sure not.
6 A: I'm not ---
7 Q: But you would find murder, forceful rape, two
8 shooting incidents, nine simple assaults.
9 A: Is that over the last ---
10 Q: Five drug narcotic violations.
11 A: Those are all in a nine-month section?
12 Q: No. They're all at -- and they're all the past
13 10 years.
14 A: In the past 10 years?
15 Q: Right.
16 A: That's -- let's see. That's ---
17 Q: So -- so, in your opinion ---
18 **THE COURT:** Hold on.
19 A: 120 months ---
20 **THE COURT:** Wait ---
21 A: --- versus nine months.
22 **THE COURT:** Yeah. Let him -- let him finish --
23 finish answering.
24 **MR. MAYBANK:** I'm sorry.
25 Q: Go ahead and finish.



- 1 A: You said 10 years versus 9 months.
- 2 Q: Right.
- 3 A: That's 120 months versus 9 months.
- 4 Q: Right.
- 5 A: I'm just having a hard time finding anywhere
- 6 where we have a hundred and -- 130 calls in the
- 7 small cross section there. You've taken just
- 8 an arbitrary few that were high order violence
- 9 type calls over a 10-year span and now said
- 10 that those are completely comparable to a small
- 11 cross section of one -- one location. I -- I'm
- 12 just trying to see if that's the ---
- 13 Q: Okay. But you -- of those 130 calls, not a
- 14 single one of them was for forceful rape, was
- 15 it?
- 16 A: I don't believe so. No.
- 17 Q: Okay. Not a one of them was for murder, was
- 18 it?
- 19 A: I -- I don't know. I didn't investigate those,
- 20 but I don't know what they've charged or not
- 21 charged or whatever with the -- the ongoing
- 22 cases.
- 23 Q: Okay. And -- and no -- you didn't get nine
- 24 calls for simple assault, did you?
- 25 A: I would have to look. Simple assault is ---



- 1 Q: Right. Yeah.
- 2 A: --- wide category. I'm -- I'm not -- if it's
- 3 a specific type of assault.
- 4 Q: I agree.
- 5 A: I could poke you ---
- 6 Q: I agree.
- 7 A: --- and it's an assault or I could hit you with
- 8 a brick. It's -- it would depend on the nature
- 9 of the calls and all the circumstances
- 10 surrounding them.
- 11 Q: I agree with that. Unlawful conduct towards a
- 12 child. That was just two years ago. That's a
- 13 -- that's a pretty serious call, isn't it?
- 14 A: That's a very, I would say, interesting and
- 15 unique call to have at a -- at a establishment
- 16 that's not meant for minors.
- 17 Q: And -- and five drug narcotic violations. You
- 18 didn't any calls for -- regarding us regarding
- 19 unlawful conduct towards a child, which is just
- 20 two years ago or five drug narcotic violations,
- 21 did you?
- 22 A: I -- I'd have to look at see how many narcotics
- 23 violations we had. I ---
- 24 Q: Far as you know, those are none. I'm not
- 25 saying they're not, but you don't know of any.



- 1 A: I would have to look.
- 2 Q: Okay. All right. And so, that's -- that's
- 3 McCary's. I'll just move on from there. The
- 4 CK Mart right around the corner ---
- 5 A: Correct.
- 6 Q: --- all other larceny, 3; trespassing, 1;
- 7 condition, 1; drug narcotic violation, 1.
- 8 A: That's a business that's been opened since 1996
- 9 and it's a convenient store that suffers from
- 10 any other retail establishment for shoplifting
- 11 and larceny and whatnot.
- 12 Q: Right.
- 13 A: It's also a very heavily traveled area that's
- 14 opened 24 hours a day, 7 days a week, 365 days
- 15 of the year. The number of calls for any one
- 16 of those crimes is probably going to be higher
- 17 from a place that has more opportunity for
- 18 those crimes to occur.
- 19 Q: Yeah. So, that's my entire point. They're ---
- 20 A: Right.
- 21 Q: CK Mart is open a lot. They got a lot of
- 22 customers. They have a lot of incident reports
- 23 here, but that's understandable, isn't it, just
- 24 because of the number of their customers, and
- 25 people who go by it?



- 1 A: And the amount of hours that they're open.
- 2 Q: And the amount of hours they're open. Correct.
- 3 That's the same reason you don't revoke the
- 4 University of South Carolina's football ABL
- 5 permit. There's a whole bunch of people there
- 6 and ---
- 7 A: Uh-huh.
- 8 Q: --- you know, several hundred arrests, but a
- 9 lot of people there.
- 10 A: Right.
- 11 MR. MCCABE: Your Honor, just -- just -- I mean, we
- 12 could just give a -- just a standing objection
- 13 to any -- any indication that the Sheriff's
- 14 Department is revoking licenses.
- 15 THE COURT: And I had ---
- 16 MR. MCCABE: He said time and time and time again.
- 17 THE COURT: Mr. Maybank, that time you did say they
- 18 revoked.
- 19 MR. MAYBANK: All right. I -- I apologize.
- 20 Q: All right. All right. In the affidavits that
- 21 was filed in this matter that got this action
- 22 going says that the Sheriff's Department has
- 23 responded to the location 14 times since
- 24 October 23rd, 2020. Is that accurate?
- 25 A: I believe it's more than that.



1 Q: Okay.

2 A: I would almost venture to say upwards of 26 or
3 28. I would have to count them back up.

4 Q: All right. So, this is an affidavit of Captain
5 Stephen Tapler (ph). I guess is your boss.
6 And it was an affidavit filed in this very
7 matter. Department of Revenue no -- motion and
8 motion for emergency suspension and expedited
9 hearing. In paragraph 2 of the affidavits, he
10 says, I've become very familiar with the
11 business that operates with Richland County and
12 I am aware that Richland County Sheriff's
13 deputies have responded to the location over 14
14 times since October 23rd, 2020. Is that
15 accurate?

16 MR. MCCABE: Your Honor, I would object. He can't -
17 - he's asking him about an affidavit that --
18 that he did not write nor sign.

19 THE COURT: He ---

20 MR. MAYBANK: I'm asking if it's right. Accurate or
21 inaccurate. It's written by his boss.

22 MR. MCCABE: Well, he's not able to speak to what
23 his boss knows or does not know.

24 THE COURT: Are you asking him to impeach ---

25 MR. MAYBANK: No. I'm asking him if it's accurate.



1 **THE COURT:** If that statement is accurate.

2 **MR. MAYBANK:** Right. All right. So ---

3 **THE COURT:** I'll overrule that one just because he's
4 only asking about that statement, although he's
5 already answered that question, I think.

6 A: I believe I answered -- I'm sorry, Your Honor.

7 **THE COURT:** Go ahead.

8 Q: So, the -- the -- the act -- Captain Stephen
9 Tapler (ph) filed an affidavit for -- for this
10 very hearing why we here today and in the
11 affidavit it says ---

12 **THE COURT:** No. I'm just -- the way you're asking
13 it is you're asking him to impeach the
14 affidavit. I just -- you can ask him if -- if
15 that statement is ---

16 **MR. MAYBANK:** Okay. All right.

17 Q: Is -- is the statement that Richland County
18 Sheriff's deputies have responded in this
19 location over 14 times since October 23rd,
20 2020, is that accurate?

21 A: Is that the entire statement?

22 Q: No.

23 A: Oh. I'm sorry. Could you read the statement
24 in it's entirety?

25 Q: Sure.



1 A: I don't want to misspeak.

2 Q: I have personally spoken with operators and the
3 patrons of the business, and have personally
4 been to the location. Additionally, as a
5 result of the duties of my position, I'm aware
6 the Richland County Sheriff's deputies have
7 responded to the location over 15 times since
8 October 23rd, 2020 for increasingly violent
9 crimes to include assault, weapon law
10 violations or shooting incidents.

11 A: If I understand your question, is -- is what
12 Captain Tapler's (ph) affidavit states, I --
13 it's the last part of the statement that I
14 would have question with. It's states in -- in
15 reference to elevating or escalating calls for
16 violence. I'm not exactly -- I can't state
17 what he drew that conclusion from. What kind
18 of calls.

19 Q: Yeah. I was just asking about the 14 times.
20 That's all I was asking.

21 A: I would assume it's at least 14 times.

22 Q: Okay.

23 A: If he says 14 times, then I would agree with
24 him if he's ---

25 Q: Well ---



1 A: --- it's ---

2 **THE COURT:** So the record would be clear. He said
3 over 14 times.

4 **MR. MAYBANK:** Right. Thank you, Your Honor.

5 A: Yes.

6 Q: That over 14 times sound about right to you?

7 A: If the captain said it was 14, I would say it's
8 at least 14. I -- I may have -- he may have
9 been using different criteria to surmise his
10 point as far as escalating crimes.

11 Q: Okay.

12 A: If they were -- it's gone from people with
13 guns, as I stated before, you had -- there was
14 incidents involving guns. There were -- out of
15 those, there were eight that where the guns
16 were actually discharged. And then, out of two
17 of those, people were actually struck.
18 Depending on where he started to look and how
19 he qualified an escalation in violence and
20 violent calls, then, I -- if that what he was
21 referring to, yes. If -- if you're asking for
22 a total number of times in exact number ---

23 Q: I'm not.

24 A: --- I'm not saying it's going to contradict
25 what he said.



1 Q: Okay. All right. Now, y'all don't -- the --
2 the Sheriff's Department doesn't request the
3 Department of Revenue to in -- to initiate any
4 request to revoke licences as opposed to
5 protesting a new license, correct?
6 A: I have no idea.
7 Q: Okay. So ---
8 A: I'm not privy to any information about how
9 people get or don't get licenses. That's all
10 the Department of Revenue.
11 Q: Okay. So, this is the very first time you've
12 ever been involved in a license revocation,
13 isn't it?
14 A: Yes, sir.
15 Q: Okay. So, I -- it -- it's the first time. And
16 -- and yet you chose to do it against this
17 establishment, the Sheriff's Department did.
18 A: I was merely called as a witness by the
19 Department of Revenue, sir. I don't know.
20 **MR. MCCABE:** He was subpoenaed, Your Honor.
21 **THE COURT:** Well ---
22 A: Yes.
23 **THE COURT:** --- I'll let him answer that.
24 A: I was subpoenaed.
25 Q: Okay. Now, obviously, it's a -- it's bad for



1 business to have the Richland County Sheriff's
2 Department parked in front of establishment
3 with blue lights going, correct?

4 A: I -- I'm not a business owner that has any kind
5 of a -- an opinion on that.

6 Q: Okay. So, you don't -- in your opinion is --
7 is not -- you don't know whether it's bad for
8 business or not, the fact that there's four
9 police cars in the parking lot with blue lights
10 going?

11 A: I'm not sure in which -- what -- how it would
12 be bad for business or how it would be good for
13 business. I don't understand what -- what --
14 what you're asking, I guess.

15 Q: Okay. So, you don't have a problem going on
16 New Year's Eve at 10:00 o'clock at New Year's
17 Eve, blue lights flashing, four patrol cars
18 because you don't have a clue that that might
19 interfere with business?

20 A: I'm still not sure how it would interfere with
21 business. If it makes customers and patrons in
22 the area feel safer that law enforcement was
23 there, well, how would it impact business in a
24 negative aspect?

25 Q: Okay. All right. That answers my question.



1 And you're not aware we were the victim of some
2 10 fake 911 calls?

3 A: Not to my knowledge. No, sir.

4 Q: I'm sorry.

5 A: Not to my knowledge. No.

6 **MR. MCCABE:** Your Honor, I don't -- I believe he --
7 he -- there's no evidence of that whatsoever.
8 He's -- he's questioning my witness as to facts
9 that are -- that are not in evidence, so now
10 before the Court, he said there were 10 fake
11 911 calls. I don't believe there's any
12 testimony in regards to a number of fake 911
13 calls.

14 **THE COURT:** Well, Mr. McCabe, I get your objection,
15 but Mr. Maybank, are you aware that -- you're
16 not aware of any or 10 -- was it 10?

17 **MR. MAYBANK:** Yeah. I -- I'm not testifying ---

18 **THE COURT:** 10.

19 **MR. MAYBANK:** --- there were 10. I was asking if he
20 was aware that there were.

21 **MR. MCCABE:** Okay.

22 **THE COURT:** Were you aware of them and ---

23 **MR. MAYBANK:** Right.

24 **THE COURT:** --- and the officer said he wasn't.

25 **MR. MCCABE:** No. That's fine, Your Honor. Thank



1 you.

2 Q: Okay. So, you're not aware of any fake 911
3 calls at our location?

4 A: No, sir.

5 Q: All right. And -- did -- you never
6 investigated a fake fight where a 911 call was
7 made to our location and you came and there was
8 no fight at all?

9 A: Did I personally respond and ---

10 Q: Right.

11 A: --- investigate one?

12 Q: Uh-huh.

13 A: I would have to review that report that I --
14 that was one of the defend -- one of the
15 Petitioner's -- I'm sorry. One of the pieces
16 of evidence that was put -- was placed in
17 evidence, one of the reports. We had responded
18 to a -- an incident -- I may even be thinking
19 of an different incident, where we had gone to
20 a fight -- oh, I'm sorry. I do now recall. We
21 were -- we responded to a fight when this was
22 prior to fire department being refused access.
23 There was a fight earlier. By the time we
24 arrived, they said that there had been no
25 fight. Everybody had left. We then got



1 another call, which is what we went back to
2 investigate where we were told that there was
3 a patron who had been involved in a fight that
4 had -- that had happened earlier who was still
5 inside the club and breed -- bleeding profusely
6 from his head, from a head wound. He was hit
7 with something. Upon my arrival, we spoke with
8 the outside security who told us that they had
9 witnessed one of the club patrons come outside
10 and get a -- what -- I guess they say either
11 two by four or some kind of wooden stick or
12 something from the -- the barriers that they
13 had set up, and go back inside the club. And
14 this was in reference to the earlier -- the
15 earlier fight or disturbance, whatever was
16 inside the club. Based on reasonably --
17 reasonable prudence, we -- we concluded that
18 yes, there was a fight earlier. Someone had
19 gone in there with an object. Now we're
20 getting a call that states someone had been
21 struck and he was bleeding. We had fire and
22 EMS in route. We went there to locate them.
23 As soon as fire was told us that we were not
24 allowed to enter to find the said victim, we
25 went in and searched the club, we found noone



1 and we left.

2 Q: All right. That's all very interesting. Now,
3 will you answer my question? I asked you did
4 you ever receive a 911 call for a fight in the
5 club where you got there and discovered there
6 had been no fight?

7 A: Perhaps. I -- I can't think of one right off
8 the bat.

9 Q: Okay. And the incident you just described
10 sounds pretty serious. Obviously, you were
11 written an incident report for it, correct?

12 A: I believe we did.

13 Q: Okay. And -- and -- okay. All right. Now,
14 the -- did you ever investigate a noise
15 complaint?

16 A: We -- we ---

17 Q: Where ---

18 A: --- investigate noise complaints all the time.

19 Q: Just in general or at this location?

20 A: At that location, as well as others. We get
21 noise complaints all the time.

22 Q: Okay. Now, in our case, we're not -- we're not
23 in a residential neighborhood. We're -- we're
24 next to a rap club.

25 A: Back up to a neighborhood.



- 1 Q: Who -- I'm sorry.
- 2 A: You are backed up to a neighborhood.
- 3 Q: Okay. And so, is it -- is it neighbors that
- 4 make the complaint? Who make the complaints?
- 5 A: I believe the complaints usually for the noise,
- 6 emanate from the neighborhood behind it, down
- 7 Rushmore Road.
- 8 Q: Okay. All right. And -- and can you hear any
- 9 noise at all? It's a pretty -- evidence would
- 10 show a pretty solid building. When the door is
- 11 closed, can you hear any music at all?
- 12 A: There was one incident where I did report that
- 13 I could hear it at least, as the ordinance and
- 14 the status says, it's 50 feet off the -- from
- 15 the business. I was on the other side of
- 16 Rushmore Road in the parking lot at Rush's, and
- 17 I could clearly hear the music.
- 18 Q: Well, they -- that's right across the street,
- 19 is it not?
- 20 A: It is. Probably 300 feet away. Maybe 400.
- 21 350.
- 22 Q: That would be 100 yards or ---
- 23 A: A little over 100 yards.
- 24 Q: --- a football field?
- 25 A: A football field. Yes, sir.



1 Q: Yeah. Okay. All right. And you're aware in
2 terms of protecting the public, that we frisk
3 and run a metal detector wand over people
4 coming into our establishment?

5 A: I ---

6 Q: If the court reporter would write down
7 skeptical.

8 A: I see hands moving around and I see the wand
9 being waved. I -- I can't say that I think
10 that they're doing a great job with it.
11 Obviously, since we've had issues and they've
12 found guns -- they have found guns going in.
13 I believe they'd also -- one case where
14 somebody states they were shot in the club.
15 Obviously, they missed one.

16 Q: Or the shooting happened somewhere else.

17 A: All the evidence that I've seen presented here
18 today points toward he was shot inside the
19 club.

20 Q: Yeah. But it -- it be one or the other.
21 Either they're shot somewhere else or we missed
22 the -- the gun, correct?

23 A: Well, if the victim himself stated he was
24 inside the club and he was seen running from
25 the club holding his stomach where he states



1 where the hospital treated him for a gunshot
2 wound.

3 Q: Well, he must have run all the way to the
4 hospital because he left us at 3:00 and didn't
5 get to the hospital at 4:55. You think he
6 walked all the way -- two hours to walk to the
7 hospital?

8 A: I can't speak to that. I have no knowledge of
9 how ---

10 Q: Right.

11 A: --- he got there or when he got there.

12 **MR. MCCABE:** Your Honor, I don't -- I don't believe
13 there's any evidence that's been presented at
14 what time the individual was admitted at the
15 hospital. So, once again, he -- he's ---

16 **MR. MAYBANK:** It's in the -- I didn't ask him that
17 question. It's in the incident report, but I
18 didn't ask him that -- that question.

19 **THE COURT:** You -- you referenced 4:00 o'clock.

20 **MR. MAYBANK:** Okay. We'll -- we will -- we will
21 find it.

22 Q: Now, we called 911 twice when we discovered a
23 -- a gun for people trying to come in.

24 A: Uh-huh.

25 Q: You're not -- you're not criticizing us for



1 calling 911 when we discover a gun, people
2 coming in, are you?

3 A: No. From what I understand, the security --
4 the outside security, the one that notified us
5 that they had recovered a weapon from someone
6 at the door. I don't know if they personally
7 took it off the person. If they were handed it
8 by the staff. But yes, there were guns
9 discovered. We responded. We took a report.
10 We took charge of the weapon. It was submitted
11 to our evidence department for processing and
12 for safekeeping.

13 Q: All right. But you're -- you're not
14 criticizing us for calling 911 in that
15 scenario? You said there's a hundred ---

16 A: Not at all.

17 Q: Okay. All right. All right. Now, it's not
18 uncommon take a Five Points, bars can be
19 directly next each other with crowds ---

20 A: Uh-huh.

21 Q: --- gathering next door.

22 A: Uh-huh.

23 Q: That's not uncommon in your experience, is it?

24 A: Oh. Very common.

25 Q: Okay. All right. And would you sometimes get



1 incident reports where two bars are directly
2 next to each other for stuff that went on in
3 the parking lot where you weren't even sure
4 which bar they came from?

5 A: In Five Points?

6 Q: Yeah.

7 A: We don't have -- we don't patrol Five Points.
8 That's a city ---

9 Q: Right.

10 A: --- jurisdiction.

11 Q: I'm just talking about in general, where two
12 bars are directly next door to each other.

13 A: He -- are you referring to the event center?

14 Q: Yeah.

15 **MR. MCCABE:** I'm sorry, Your Honor. I mean, that's
16 speculation. He's saying, a situation where
17 there are two bar -- I mean, he -- this is all
18 speculative ar- -- I mean, he's asking
19 speculative questions. He -- he asked for a
20 specific location. He informed him that they
21 don't -- they don't investigate Five Points.

22 **THE COURT:** Mr. McCabe, are you telling me that on
23 cross-examination, an attorney cannot ask
24 speculative questions?

25 **MR. MCCABE:** What I'm saying, Your Honor, he -- he's



1 not basing these questions on -- on -- he's
2 just -- they're just -- I'm not -- my concern
3 is, Your Honor, that he is making just random
4 questions once he's receiving the answer he
5 does not want. And these questions are not
6 based anywhere in the facts of what's being
7 presented. There are no establishments in this
8 case. There are no bars that are next door to
9 each other.

10 **THE COURT:** So, where I can be clear, cross-
11 examination is con -- can only be based on the
12 facts in evidence or what -- what -- we're
13 saying not based on the facts. I want to know
14 what the facts are that you're referencing.
15 You -- you're saying that ---

16 **MR. MCCABE:** He's asking him a -- a made-up
17 scenario.

18 **THE COURT:** You can ask a hypothetical on cross.

19 **MR. MCCABE:** Your Honor, I withdraw my -- I ---

20 **THE COURT:** I -- I'm not ---

21 **MR. MCCABE:** No. Your Honor, I may have heard it
22 differently with -- with the ---

23 **THE COURT:** Okay.

24 **MR. MCCABE:** --- hearing it -- that so -- if -- I
25 may have heard it incorrectly.



1 **THE COURT:** Okay.

2 **MR. MCCABE:** So, I -- I'll just withdraw. That --
3 that's fine. No ---

4 **THE COURT:** Okay.

5 **MR. MAYBANK:** I'm -- Your Honor, and opposing
6 counsel, the reference to 4:55 is found in
7 Petitioner's Exhibit Number 8. It's a search
8 warrant and attached to the search warrant is
9 an affidavit and I'm -- affidavit says the
10 hospital has Bradley on record as being checked
11 in there at 4:55. So, that was the basis of
12 our 4:55.

13 **THE COURT:** That was the basis of the question.

14 **MR. MAYBANK:** Right.

15 **THE COURT:** Okay.

16 **Q:** All right. So, when you have two bars directly
17 next to each other and the crowd mills out in
18 the parking lot and there's an incident there,
19 do -- do you know -- you don't always know what
20 bar caused it or that patrons came from which
21 bar to cause it, correct?

22 **A:** Are you asking about two specific locations?

23 **Q:** Yeah. You could -- that's just specific or
24 hypothetically, whichever you're more
25 comfortable.



1 A: I'm just trying to answer your question.

2 Q: Sure.

3 A: Are you referring to the Hookah Lounge and the
4 event center?

5 Q: Correct.

6 A: The only time I've ever seen the event center
7 actually in operation was when they were
8 opening and people were starting to fill into
9 the club, and that actually came -- most of
10 them were tired of waiting in line, I guess, at
11 Hookah and walked around and went inside there.

12 Q: Okay. So, let's just assume that -- that --
13 that Hookah -- that the event center had 20 or
14 more rap concerts. Now, you don't -- you don't
15 have to conceded that point, but 20 or more rap
16 concerts. If the crowd leaves the rap center
17 and they're milling around in the parking lot
18 and they're going over to Rush's and an
19 incident happens, you don't know where those
20 customers came from, do you?

21 A: They came from the parking lot at 2700 Broad
22 River Road.

23 Q: Right. Exactly.

24 A: Uh-huh.

25 Q: Which is a parking lot for the rap center and



1 for Hookah, correct?

2 A: That's correct.

3 Q: Okay. All right. And your experience has been

4 that the -- I believe you said this. I might

5 have confused it earlier. That the crowds

6 coming from rap concerts are -- are no worse or

7 any better than any other concert, correct?

8 Did you say that?

9 A: You didn't ask me that and I didn't answer

10 that.

11 Q: Okay.

12 A: Would you like to ask me that question?

13 Q: Sure. Uh-huh.

14 A: Did the crowds from a rap concert are ---

15 Q: Right.

16 A: --- are -- what -- how did you phrase it?

17 Q: Is -- is the crowd coming from a rap concern

18 more likely to cause issues than a crowd coming

19 from another regular concert, country music

20 concert?

21 A: I -- I honestly don't know. I've never been to

22 a rap concert.

23 Q: Right.

24 A: I've been to a country music concert and I've

25 seen fights in it, outside of it.



1 Q: People are evening out scores in some fashion.

2 A: I'm -- I'm -- I can clearly say in all
3 categories, I believe that in every instance we
4 saw that there was alcohol involved.

5 Q: Right.

6 A: So, it definitely plays a factor in, I would
7 say energizing the incident, if there is one.

8 Q: Right. Now, the -- the shooting that took
9 place here, one of the two shootings that took
10 place, took place in the Rush's parking lot.
11 Bullets were fired in the Rush's parking lot.
12 If Rush has an ABL license, would you -- would
13 you move to revoke their license? I mean,
14 that's where that shooting occurred.

15 A: I don't know of any shootings that ever
16 occurred there.

17 Q: I'm sorry. I didn't hear you.

18 A: I said, it -- the shooting you're referring to,
19 I believe was well after the restaurant had
20 closed.

21 Q: Right. Right. But it's in their parking lot.
22 So, you would never attempt to revoke Rush's
23 license, even though the incident took place on
24 their property.

25 **THE COURT:** Does Rush's have an alcohol license?



1 A: I don't think they have an on premise license
2 or an LLP or anything that has to do with
3 alcohol.

4 Q: Well, suppose they had a license, would you
5 attempt to revoke it? Even -- the shooting
6 took place on their property.

7 A: It wouldn't -- I -- I couldn't -- I couldn't
8 make that determination. It's to -- it would
9 have to -- all the circumstances would have to
10 be known and there's only the location at that
11 park -- across the street.

12 Q: If it's more than -- it's a lot more
13 complicated than -- than just shots were fired.
14 Isn't that just what you just said?

15 A: I said it's more complicated than shots were
16 being fired?

17 Q: Yeah. The issue of whether or not you would
18 recommend revoking a permit is a lot more
19 complicated than the mere fact shots were
20 fired.

21 A: I -- I don't recommend license being revoked.
22 That's not my job. I don't have any say in
23 that. That's what the Department of Revenue is
24 for.

25 Q: Okay.



1 A: We just prevent -- we present evidence that we
2 collect at the scenes of ---
3 Q: Right.
4 A: --- different incidents. They make their own
5 determinations.
6 Q: Okay. And so, you certainly don't recommend
7 that our license be revoked, correct?
8 A: Do I?
9 Q: Right.
10 A: Absolutely.
11 Q: You do recommend it?
12 A: Absolutely.
13 Q: Okay. I thought you just say you would never
14 recommend it. It's not -- none of your
15 business.
16 A: You asked my opinion.
17 Q: Okay. That's your ---
18 A: That's what you asked me before and it's ---
19 Q: All right. So, in your opinion ---
20 A: I think I said it last time.
21 Q: --- should Rush's ABL license be revoked? The
22 shooting took place in their lot. Should their
23 license be revoked?
24 A: They don't have ---
25 **THE COURT:** Mr. McCabe?



1 A: They don't.

2 **MR. MCCABE:** Your Honor, they don't have a license.

3 I mean, this is what I'm talking about. These
4 are these -- the wild questions that -- that
5 have no relevancy. Rush's doesn't have a
6 license.

7 Q: Well, let's assume Rush's did have a license.

8 **THE COURT:** Do you want to object to that?

9 **MR. MCCABE:** No, Your Honor.

10 **THE COURT:** Okay.

11 Q: Would you move to revoke it?

12 A: If they had 130 plus incidents that were
13 escalating in violence over a 9-month period,
14 absolutely.

15 Q: Okay. Even though ---

16 A: It's not ---

17 Q: Even they were closed, weren't their customers
18 ---

19 A: Well, that's ---

20 Q: --- you would still attempt to revoke their
21 license?

22 A: Well, you've -- you just changed the
23 circumstances.

24 Q: Right. If -- by follow-up.

25 A: Okay.



- 1 Q: They're closed and it's not even their
2 customers. Should ---
- 3 A: No.
- 4 Q: Would you recommend their license be revoked?
- 5 A: If they -- if they're venue wasn't opened?
- 6 Q: Correct.
- 7 A: No. It would be ---
- 8 Q: Not their fault, right?
- 9 A: I wouldn't see how it could be their fault if
10 they weren't opened.
- 11 Q: Okay.
- 12 A: If their parking lot is being illegally used,
13 then -- used as parking for another venue, and
14 something leaves a venue ---
- 15 Q: Right.
- 16 A: --- and goes across the street to where their
17 patrons have parked and that's where the
18 incident happened to be.
- 19 Q: That's the exact same thing when -- when
20 there's a shooting in our parking lot. If it's
21 not one of our customers.
- 22 A: Yours is the only business that's opened at
23 that hour.
- 24 Q: I'm sorry.
- 25 A: Yours is the only business that's opened at



1 that hour.

2 Q: Yeah. But weren't -- well, the -- what if the
3 rap club had just closed and the shooter came
4 from the rap club and never set foot in our
5 premises?

6 A: 130 some odd times? I haven't seen the rap
7 club or the event center opened that many
8 times. I haven't seen it opened more than once
9 personally. I haven't ---

10 Q: Now, will you answer my question?

11 A: Which was? I'm sorry.

12 Q: My question was the -- if the shooter came from
13 the rap club and never set foot in our
14 premises, before the shooting, is that relevant
15 to you?

16 A: It would -- it would -- I would assume that the
17 person who was leaving the rap club, it would
18 just part of the investigation.

19 Q: Right. Well, but it -- in terms of you
20 recommending -- you said you definitely support
21 our revocation.

22 A: I did say that.

23 Q: Well, you -- I'm sorry.

24 A: Yes. I did. I did say I would definitely ---

25 Q: Right.



1 A: --- support it.

2 Q: Would you definitely support our revocation if
3 -- if the evidence was that the rap -- the
4 shooter left the rap club and never set foot in
5 our club?

6 A: No. There's plenty of other evidence to
7 support my -- to my -- supporting my opinion.
8 Not just the one incident. I'm not looking at
9 just one or two incidents. I'm looking at a
10 totality of the circumstances.

11 Q: Right. All right. Well, what about that one
12 incident?

13 A: That one incident?

14 Q: Right.

15 A: It would -- it would be considered, but it
16 would not be the sole reason why I would -- my
17 -- in my opinion, it would not be the sole
18 reason why I would decide to -- that I would
19 support the revocation of anything.

20 Q: Well, I know not the single reason, but would
21 it support revocation at all?

22 MR. MCCABE: Your Honor, I believe asked and
23 answered ---

24 THE COURT: Mr. ---

25 MR. MCCABE: --- at this point.



1 **THE COURT:** Mr. Maybank.

2 **MR. MAYBANK:** He -- he's not answered it at all.

3 **MR. MCCABE:** This is the fourth time.

4 **MR. MAYBANK:** Just ---

5 **MR. MCCABE:** All right. Well, just say -- I agree
6 with you, Burnie, and then we'll be done. He
7 hasn't said that at all.

8 **THE COURT:** Well, just because they don't answer it
9 by saying I agree with you, Burnie, does not
10 mean they have not answered the question. So,
11 I'm going to sustain that objection, Mr.
12 Maybank.

13 **MR. MAYBANK:** All right.

14 Q: All right. Then, it's obviously not our fault,
15 but -- and the -- you said there's only been
16 one rap club concert. That was obviously not
17 our fault when the crowd -- when a concert ends
18 and the crowd moves over to our -- our parking
19 lot and then on the way home, correct?

20 A: I -- I was -- I don't understand your question.
21 It's not your fault if -- it's not the
22 business' fault ---

23 Q: Yeah.

24 A: --- if they ---

25 Q: You say you have a 130 calls, some of them



1 undoubtedly re -- related to the crowd leaving
2 the rap center.

3 A: I didn't say that.

4 Q: I'm sorry.

5 A: I didn't say that.

6 Q: No. I know. I'm saying, suppose some of the
7 calls relate to the crowd leaving the rap
8 center, walking to our property, going over to
9 Rush's. is that -- is that -- could that be
10 part of the 130 that you agree we should have
11 our license?

12 A: I'm not sure how many times the rap -- I'm
13 sorry -- the event center was actual open at
14 the same time that the other club was opened.
15 I would have to know the number of occurrences
16 where the two overlapped before I could make a
17 statement as to whether it contributed or not.
18 If they were opened on opposite nights or
19 different days during the week when the other
20 club was opened, I would say that there's no
21 overlap. I don't know ---

22 Q: All right. And -- and -- you -- of the 130 you
23 mentioned ---

24 A: Uh-huh.

25 Q: --- you don't know how many of them relate to



1 the rap because you say your under the
2 impression the rap club only opened one time,
3 correct?

4 A: I've only observed it open one time.

5 Q: Right. So, of the 130, you know, maybe a few
6 came from that one night. But you're assuming
7 that every single one of those had nothing to
8 do with the rap club because the rap club was
9 never opened but one time, correct?

10 A: No. I didn't state there was any incidents
11 that spurred the night that I saw, but it was
12 opened at the same night that the Hookah Lounge
13 was opened. I didn't testify to that.

14 Q: Okay.

15 A: I said I did not -- of that -- at that night
16 when I saw that both event -- both venues were
17 opened at the same time, I did not see any
18 issues that had anything to do with the event
19 center. They were actually opening about the
20 same time and people were actually leaving one
21 venue and going into that one.

22 Q: Okay.

23 A: They were leaving Hookah Lounge or leaving the
24 line from Hookah Lounge and going into the
25 venue, into the event venue.



1 Q: Okay. My question was -- we've repeatedly
2 referred to 130 times. None of those relate to
3 the rap club, in your opinion, because the rap
4 club has only been opened one time; isn't that
5 correct?

6 A: One time that I can ---

7 Q: Right.

8 A: --- I can -- that I observed. Yes, sir.

9 Q: Okay. So, obviously, you're not fully familiar
10 with all 130. No deny -- no denying that, but
11 you -- in your opinion, none of those came from
12 the rap club, correct? They all ---

13 A: No. I said I don't have any idea of how many
14 times those two businesses in operation
15 overlapped one another. I also don't know how
16 long the event center has been opened. I don't
17 believe it's been opened as long as the other
18 establishment. I believe ---

19 Q: Was it -- is it possible then that half of them
20 relate to the rap club?

21 A: Like I said ---

22 Q: Three-quarters?

23 A: I would have to know how many times they were
24 opened at the same time before I could ever
25 make an educated guess or an opinion or even go



1 back and look into a -- into cases.

2 Q: Well, suppose it was opened 20 times, would
3 that influence your opinion of the 130 why
4 we're here today, probably a pretty good chunk
5 of 130 may be the rap club?

6 A: That would still leave 110 for one place.

7 Q: I'm sorry.

8 A: It would still a leftover of 110 incidents over
9 a nine-month period.

10 Q: Okay. All right. Now, switching gears to the
11 February 7th incident. When a bar has a
12 customer who's getting unruly and -- and
13 starting a fight, you don't criticize the bar
14 for evicting him, do you?

15 A: Not at all.

16 Q: All right.

17 A: They should be.

18 Q: And if -- and if the bar refuse -- if the
19 customer refuses to leave, you don't criticize
20 the bar for using pepper spray on them, do you?

21 A: I would criticize the bar for their choice of
22 where to use pepper spray. You set off a can
23 of pepper spray in this room, which is maybe
24 slightly smaller than the inside of the club,
25 everybody in this room will have watery eyes



1 and it be hard to breathe.

2 Q: Okay. So, they -- they -- they shouldn't have
3 used pepper spray on that -- on that unruly
4 customer?

5 A: Not in my opinion.

6 Q: Okay.

7 A: Not inside the club.

8 Q: All right. All right. And -- and so you're
9 personally not aware that a national gang --
10 national gang member sung at the rap club,
11 correct?

12 A: No, sir. I have no idea.

13 Q: I'm sorry.

14 A: I have no knowledge of who sang there.

15 Q: Okay. So, you weren't aware Richland County
16 Sheriff's Department sent the gang unit to the
17 rap club one night because there was a national
18 rap singer singing that night?

19 A: No, sir. I have no idea. I don't -- I don't
20 have any knowledge of that.

21 Q: Okay. All right. Back to our security. So,
22 now we have a video. Do -- do a lot of bars
23 and restaurants you police have videos?

24 A: A lot of the bars and restaurants?

25 Q: Yeah.



- 1 A: I would imagine this day and age they do.
- 2 Q: Okay.
- 3 A: I don't know too many of them have armed
- 4 security or the need for it.
- 5 Q: Okay. So, we have armed security.
- 6 A: Uh-huh.
- 7 Q: You don't see that very often.
- 8 A: No, sir.
- 9 Q: All right. And -- and we frisk and do the
- 10 metal wand. You don't -- you don't -- you see
- 11 that every time you go in a USC football game,
- 12 but you don't see that at many bars and
- 13 restaurants, do you?
- 14 A: I see it done properly at USC football games.
- 15 Q: Right.
- 16 A: I don't see it being done properly at the
- 17 Hookah Lounge.
- 18 Q: Okay. And so, how many times have you observed
- 19 it?
- 20 A: Every time we've had to go there.
- 21 Q: Which is how many times?
- 22 A: According to the records, about 130.
- 23 Q: Okay. So, you've been there about 130 times?
- 24 A: Personally?
- 25 Q: Yeah.



- 1 A: No, sir.
- 2 Q: No. I was just asking how many times have you
3 been there personally.
- 4 A: I would have to count it up. Maybe 30.
- 5 Q: 30.
- 6 A: Myself, yes.
- 7 Q: Okay. And a lot of those were on the weekends,
8 weren't they?
- 9 A: Anywhere between Wednesday and Saturday night,
10 early Sunday morning.
- 11 Q: Okay. So, 30 times there between Wednesday and
12 Saturday and only seen one rap concert. And
13 so, you're 100 percent sure that's your answer?
- 14 A: Yes, sir. I -- I've only seen the -- the event
15 center in operation one time.
- 16 Q: Okay.
- 17 A: And we walked up to them and actually asked
18 them, we didn't even know you guys were opened.
19 Didn't know anything about the center. They
20 hadn't had -- not that I'd seen, as far as
21 advertising.
- 22 Q: All right. And do -- do you -- did you examine
23 the shooting on May the 8th?
- 24 A: No, sir. I did not.
- 25 Q: Okay. All right. The -- that was -- there was



1 a shooting obviously where somebody was hit is
2 -- is I guess, certainly one of the most
3 serious things that y'all ever investigated,
4 isn't it?

5 A: I would say yes. It's very serious, sir.

6 Q: Okay. And particularly when someone dies.
7 That's obviously very serious.

8 A: It's a tragedy. Yes, sir.

9 Q: All right. And don't y'all have it -- when
10 somebody is shot, don't y'all have an
11 established routine to investigate it?

12 A: From which division are you asking me to speak
13 about?

14 Q: Investigative?

15 A: All right. I'm not an investigator. I don't
16 work for SID. I couldn't begin to tell you how
17 their -- what their criteria is for how to
18 respond to it or ---

19 Q: Okay.

20 A: --- how they investigate.

21 Q: And -- and what do you do then? You'll
22 investigate -- what do you ---

23 A: We do a preliminary investigation. We'll
24 secure the scene. We'll collect as much
25 evidence and witness statements as we can.



1 We'll do as much on our end as humanly possible
2 with the resources we have available. In a
3 situation like that where someone's life has
4 been placed in jeopardy or taken, investigation
5 will respond, crime scene, that's well above
6 the -- it's well above the -- the function and
7 the -- the purview of patrol.

8 Q: And you thoroughly questioned any of the
9 witnesses to the shooting, wouldn't you?

10 A: We take preliminary statements; did you see
11 anything, nothing specific. We try to gather
12 as much information and then pass that along to
13 investigators who respond and let them complete
14 ---

15 Q: Do the more thorough ---

16 A: --- go forward and go -- a little more thorough
17 investigate -- get more thorough statements and
18 whatnot and gather evidence.

19 Q: All right. Now, we gave you the name of the
20 shooter who shot our security guard.

21 A: I don't know his name, sir.

22 Q: You don't know anything about that?

23 A: No, sir. I don't know anything about that.

24 **MR. MCCABE:** Your Honor, I don't believe there's
25 been any evidence of any name provided to -- to



1 anyone.

2 **THE COURT:** Well, he just said he hasn't been
3 provided that.

4 **MR. MCCABE:** Well, I -- okay.

5 **THE COURT:** Do you want me to -- I can sustained the
6 objection.

7 **MR. MCCABE:** No. No. No. That's fine. I -- I
8 just -- we're not aware. I mean ---

9 **MR. MAYBANK:** I can -- so, just real quickly and I'm
10 finishing up here.

11 Q: So, your -- your testimony is, we're just too
12 -- too big of burden on the Sheriff's
13 Department, correct?

14 A: That was not my opinion, sir.

15 Q: I'm sorry.

16 A: I didn't say that was my opinion. No.

17 Q: Okay. Well, you say 130 times. That's a burd-
18 -- that's obviously -- so what? I mean,
19 Walmart is 130 times two. What's the
20 significance of 130 times?

21 A: I -- Walmart had enough issues that they
22 closed. The 130 times, if you're talking over
23 a 9-month period, you are talking about
24 resources being directed to an ongoing constant
25 eminent threat at any time. We respond there



1 for and I believe as you stated in caplan --
2 cap- -- Captain Tapler's (ph) affidavit, it was
3 escalating. It was constantly getting worse
4 and worse and worse. Now, we've culminated
5 with two people being shot. Luckily, noone has
6 been killed. The issue is not that it's
7 overwhelming our -- our resources. It's a
8 matter of, it puts more resources directed at
9 one continuous problem instead of being able to
10 address other problems, be proactive, deter
11 crime, investigate other things. If you have
12 -- it -- it starts off and becomes a community
13 safety issue. If we have to have all our units
14 tied up to babysit one property because it's a
15 constant eruption into violence, then we aren't
16 providing as much -- the same level of
17 attention ---

18 Q: Right.

19 A: --- to the rest. They can't be ---

20 Q: So, why don't we go over -- why don't we go
21 over the number of times you were there when no
22 one dialed 911, well prior to any shootings.
23 According ---

24 A: You want me to con ---

25 Q: --- to -- according to our records in October,



1 you raided the restaurant for a compliance
2 check within 30 days of -- of us opening, but
3 wrote no tickets. Are you familiar with that?

4 A: I have no knowledge of that.

5 Q: Okay. All right. On November 18th, your --
6 the Sheriff's Department tactical action team
7 entered the restaurant and didn't write -- they
8 checked our business license and didn't write
9 any tickets. Are you familiar with that?

10 A: The tactical action team?

11 Q: Yeah.

12 A: I'm not sure we even have one. I don't know --
13 -

14 Q: Okay. Sheriff's Department communications
15 action team.

16 A: Community action team?

17 Q: Uh-huh.

18 A: Ah. The CAT team. I -- I know the group. I
19 don't know that they did an operation where
20 they actually went there and did any kind of
21 search warrant or checks or anything.

22 Q: They came in on November 18th, 2020. We'd been
23 open a month and asked to see -- entered to
24 check our business license. Didn't issue --
25 find any violations or issue any tickets.



1 A: Were they allowed to complete the compliance
2 check?
3 Q: Yeah. We got a business license.
4 A: That's not what I -- I was just curious if they
5 were ---
6 Q: Well, we -- we ---
7 A: --- they were allowed to enter ---
8 Q: --- we've been opened a month, less than a
9 month, and your in there to check our business
10 licenses and you're telling me you're just
11 swamped, we're overwhelming you in work, and
12 you go in there and within a month of us
13 opening and ask to see our business licenses.
14 Does that ---
15 A: I did?
16 Q: No. Your -- your Department did.
17 A: Sir, I can't speak for what another group or
18 another part of the Department is involved in.
19 It's not my ---
20 Q: All right. And so ---
21 A: I'm not privy to any of that or the reasons why
22 or what the was call -- what called them there
23 to do that.
24 Q: Okay. All right. On November 19th, the -- you
25 came and parked in the parking lot, didn't



1 issue any tickets, no violations. That was a
2 -- a day later. You're -- you're swamped. Why
3 would you park in our parking lot when you're
4 trying to protect everybody? Nothing had gone
5 on. We hadn't even opened a month.

6 A: I'm sorry. I couldn't ---

7 **THE COURT:** Hold on a second.

8 A: A day later ---

9 **THE COURT:** Hold on. Hold on.

10 A: Oh, I'm sorry.

11 **MR. MCCABE:** Your Honor, is -- is he speaking as to
12 my client specifically or is he speaking as a
13 department? My client has already witnessed
14 that he's not able to testify to any other
15 reasoning or rationale behind any other officer
16 than him himself. And that's what I'm not
17 sure, if he's saying my client has personally
18 done this, well, then I think my client is --
19 is -- well, you know, required to answer. But
20 as for why a -- another officer that he may not
21 even known who it is, why they did a certain
22 behavior, I don't think that's relevant and I
23 don't think he would in a position to answer
24 that question.

25 **THE COURT:** Mr. Maybank.



1 **MR. MAYBANK:** He -- he just said the whole reason he
2 thinks he we need to be revoked is because
3 there's a tremendous demand we're making on his
4 Department.

5 A: No. I didn't say that.

6 **MR. MAYBANK:** My ---

7 Q: I'm sorry.

8 A: No, sir. I didn't say that.

9 Q: Well, why ---

10 **MR. MAYBANK:** If you don't mind, can he answer. He
11 had said it.

12 **THE COURT:** Yeah. Go ahead.

13 A: That's not what I said. You asked me to -- I
14 guess, what impact we had. If you want to
15 restate the question. I -- I didn't say that
16 it was because it was too much of a -- of a
17 burden. I said because it places a community
18 at risk, at emanate risk for violent action.
19 We've got 137 -- or 130 calls there for
20 service. 18 of them -- or 17 of them involve
21 guns, 8 of them where they're discharged and 2
22 where people are shot. That's not getting
23 better; it's getting worse.

24 Q: I know. So, I'm going over all the times you
25 were in there before any of this happened.



1 A: Well, he only part I speak to as ---

2 **THE COURT:** I overrule that for right now.

3 **MR. MCCABE:** Okay. Thank you, Your Honor.

4 A: The only I can speak to is my own actions when
5 I went to investigate something. You said it
6 was the next day from something else. I -- I
7 didn't catch the date or the date that I had
8 gone there to do a compliance check where I was
9 denied access. I don't -- I don't see the rel
10 -- I don't -- I'm trying to figure out what the
11 question was.

12 Q: And -- and -- are there any members of the
13 community here today to testify on behalf of
14 y'all's -- Department of Revenue's motion?

15 A: I don't know where everybody lives.

16 Q: I don't ---

17 A: I wouldn't be able to say ---

18 Q: I don't see any members of the community here.
19 All right. So -- all right. So, let's get
20 back to it then. You testified we're -- we're
21 -- we're a burden. On December 2nd

22 **THE COURT:** I sustain that. Mr. Maybank, he hasn't
23 testified that they were a burden.

24 **MR. MAYBANK:** I'm sorry.

25 **THE COURT:** He hasn't testified that -- that your



1 client was a burden to law enforcement. I --
2 that was the other officer that testified that.

3 **MR. MAYBANK:** Okay.

4 Q: So, let -- let's get back to where it's crystal
5 clear. You're not saying we're a burden to a
6 law enforcement, are you?

7 A: No, sir. You are a -- a business in the
8 community that we have to devote a lot of time
9 too. I didn't say it was a burden.

10 Q: Okay.

11 A: We have the capabilities to do it, it just ---

12 Q: Okay.

13 A: We have to allocate different resources to
14 handle one problem location versus being able
15 to cover a wider area with the same number of
16 resources.

17 Q: Okay.

18 A: It's not a burden. We're not overworked and
19 overwhelmed. It just does tie us up in ways
20 that other calls wouldn't or other
21 establishments don't. 130 calls in 9 months is
22 a lot of attention for one location.

23 Q: Okay. And -- and you came out there a whole
24 bunch before those 130 calls, didn't you?

25 A: No. That would be the 130 from the time they



1 opened in October of 2020 until roughly two or
2 three weeks ago, I guess.

3 Q: Uh-huh.

4 A: That would be the 130 calls for service.

5 Q: Okay. Well, none of these were calls for
6 service. On December 2nd, 2020, you -- you
7 began pulling vehicles over in front of our
8 establishment. Five deputies. Now that's a
9 pretty good contingent.

10 MR. MCCABE: Well ---

11 A: I have ---

12 THE COURT: Wait a second.

13 MR. MCCABE: If the Sheriff's Department is pulling
14 people over in front, it -- of their business,
15 which is a road, how is my client supposed to
16 testify as to why individuals that were pulled
17 over -- I mean, how is that relevant that the
18 Sheriff's Department is pulling people over in
19 front of their business. Because in front of
20 their business is the road.

21 THE COURT: Mr. Maybank, I don't really get the rel
22 -- relevancy of ---

23 MR. MCCABE: It potentially ---

24 MR. MAYBANK: The witness isn't stating ---

25 THE COURT: Are you asking him about traffic



1 violations?

2 **MR. MAYBANK:** Right. That we're a tremendous
3 burden.

4 **MR. MCCABE:** Once again, Your Honor, those are not
5 his words. He has not said they are a burden.

6 **THE COURT:** I -- I get that.

7 **MR. MCCABE:** Okay.

8 Q: And so you -- you -- not only you -- have you
9 not said we -- we're not a burd- -- we are a
10 burden to -- to your department, correct?

11 A: A burden?

12 Q: Right.

13 A: No, sir. We respond to calls for service.

14 Q: Okay. All right. And so you're -- just
15 finishing up -- oh, so, on February 11th you
16 came out to the establishment and told us we
17 had to close our restaurant at 12:00 a.m. under
18 the Governor's executive order; isn't that
19 correct?

20 A: I did. I met with your public relations
21 liaison.

22 Q: Okay.

23 A: And I asked him if he was aware of the COVID
24 pandemic vi- -- or I should say the Governor's
25 executive orders, which carry from 2020 all the



1 way until the time that I made contact with
2 him. I believe there was some 73 different
3 executive orders that changed almost daily.

4 Q: Right. That was very confusing. But in fact,
5 the -- the Governor's executive order didn't
6 require that.

7 A: It had been -- it had been lifted and I was in
8 error.

9 Q: Right.

10 A: As soon as I figured that out, it -- it was no
11 longer an issue.

12 Q: Okay.

13 MR. MAYBANK: That's all we have, Your Honor.

14 THE COURT: Redirect.

15 MR. MCCABE: I don't know where to start, Your
16 Honor.

17 CORPORAL HAWKES - REDIRECT EXAMINATION BY MR. MCCABE:

18 Q: Just a couple of questions. If you received --
19 if you were dispatched to a location, do you
20 have any discretion on whether you respond to
21 that scene?

22 A: Myself, personally, or whether ---

23 Q: The Department. So, if the Department receives
24 a -- a ---

25 A: Call for service.



1 Q: --- a call for service for a fight, do you have
2 -- or does the Department have discretion to
3 respond?

4 A: No. It will be -- what unit, more than likely,
5 it will be multiple units dispatched there only
6 because of an officer safety issue with a venue
7 that has that large of a crowd and it is --
8 obviously, it's a place that serves alcohol,
9 which I stated earlier is usually a catalyst
10 for any kind of disturbance to be inflamed due
11 to the nature of the alcohol. It's not safe
12 for me to send one of my units over there by
13 himself. Sometimes two, sometimes even three
14 units will have to go, just to make sure that,
15 due to the size of the crowd or the nature of
16 the incident, they had adequate backup, they
17 were able to monitor the crowd, they were able
18 to keep each other safe as well.

19 MR. MCCABE: No further questions, Your Honor.

20 MR. MAYBANK: We have nothing, Your Honor.

21 THE COURT: You may step down.

22 A: Thank you, Your Honor.

23 MR. MCCABE: Your Honor, I have one more witness
24 about five or six questions. And then, we will
25 be done. At this time, I would call Ms. Joanna



1 Duffey to the stand.

2 **COURT REPORTER:** Ma'am, would you raise your right
3 hand, please? Do you solemnly swear the
4 following testimony to be the truth, the whole
5 truth, and nothing but the truth, so help you
6 God?

7 **MS. DUFFEY:** I do.

8 **COURT REPORTER:** Thank you.

9 **JOANNA DUFFY,** having been duly sworn, testifies as
10 follows:

11 **MS. DUFFY - DIRECT EXAMINATION BY MR. MCCABE:**

12 Q: Good afternoon. What is -- where are you
13 employed?

14 A: I'm employed at the Richland County Sheriff's
15 Department.

16 Q: All right. And what is your -- your job title?
17 What is your role there?

18 A: I'm a Deputy Chief and General Counsel for the
19 agency.

20 Q: All right. There's been a lot of statements
21 made concerning the Sheriff's Department and
22 revocation of license. Let's just be clear.
23 Does the Sheriff's Department revoke alcohol
24 license?

25 A: No.



1 Q: All right. In this case, did the Sheriff's
2 Department -- well, let me ask you. In your
3 role, if there was someone to reach out to the
4 Department of Revenue about a concern, who
5 would do that?

6 A: I would.

7 Q: It would be you?

8 A: Right.

9 Q: All right. For this establishment, did you or
10 anyone from your department reach out to the
11 dept- -- Department of Revenue concerning Agua
12 Pina?

13 A: So, initially, when Agua Pina -- Aqua Pina
14 first applied for their alcohol license, not
15 with these parties, as the applicant on the
16 license, the Department did protest the -- I
17 think we filed a protest based on the location
18 and our -- and some documentation about the
19 history of the location. We met with the owner
20 at that time. Our concerns were -- were
21 address and so, we withdrew that protest. That
22 was under the previous owner and while that
23 owner operated, we didn't have any concerns or
24 issues with that location. I believe we did
25 the same thing when these applicants filed for



1 their alcohol license. Again, myself and Major
2 Polis met with them. And they assured us that
3 there wouldn't be issues. We talked about the
4 prior history of that location and our concern
5 that it could become a -- a violent location
6 again. They addressed those concerns. We've
7 -- or seemed responsive in addressing those
8 concerns. I believe we withdrew protest as
9 well and then -- so, yes. We did have some
10 communication with the Department at -- at
11 those points in time.

12 Q: Before we get into the -- my next question,
13 what -- you -- you spoke about the prior
14 history. What was the prior history for this
15 location of why the -- the Sheriff's Office had
16 concerns?

17 A: I can't give the -- the dates that it was in
18 operation. I be -- began working in the
19 Department in my capacity at the end of 2018.
20 Prior to that, the location had been operating
21 as another bar and nightclub and there were
22 violent events there and the location was --
23 had a history of violence. And so, that was
24 the basis of the protest, but I -- I can't give
25 you dates or specifics.



1 Q: Okay. Thank you. So, is it your testimony
2 that no one from the Sheriff's Office contacted
3 the Department of Revenue based upon the
4 shootings in May?

5 A: It -- it was the other way around. You
6 contacted me regarding the shootings and asked
7 for the incident reports and the information
8 about those.

9 Q: Okay. So, it's your testimony that the
10 Department of Revenue contacted the Sheriff's
11 Department based upon the shootings in May?

12 A: That's correct.

13 MR. MCCABE: No further questions, Your Honor.

14 MS. DUFFY - CROSS-EXAMINATION BY MR. MAYBANK:

15 Q: All right. And so, Department of Revenue --
16 you know, not all the news makes the newspaper.
17 McCary's Bar and Grill, rape, murder,
18 shootings, you don't view that as your job to
19 notify the Department of Revenue? They have to
20 no -- ask you the questions?

21 A: No. So, if -- so, there are instances where I
22 have contacted the Department of Revenue when
23 we have an issue with a location asking them,
24 you know, the status of their license, are they
25 licensed, things of that nature or if something



1 could potentially be done. But in this case,
2 it -- on this, I was contacted by the
3 Department of Revenue. But I am familiar with
4 McCary's.

5 Q: Okay.

6 A: So ...

7 Q: So, you say in our case, you -- I -- I
8 misunderstood you. And I -- you say, your case
9 you did contact the Department of Revenue or
10 vice versa?

11 A: No. In this case, the Department of Revenue
12 contacted me.

13 Q: Okay. And -- and what -- what I was asking
14 Sergeant Torres -- when I was asking Sergeant
15 Torres whether or not she supported or -- or
16 she initiated the support with the Department
17 -- the contact with the Department of Revenue,
18 do you remember shaking your head up and down
19 to Sergeant Torres? This has been an hour ago.

20 A: I -- I prob -- probably did.

21 Q: Okay. Would you consider that coaching a
22 witness from the sidelines?

23 A: I don't think she saw me and I don't think that
24 that was coaching her. I think that shaking my
25 head was a -- a -- just a response to your --



1 your question.

2 Q: Okay. So -- so, from your opinion, going over
3 these -- McCary's Bar and Grill is -- took
4 place a lot longer, but far worse than in our
5 establishment, correct?

6 A: No, sir.

7 Q: Not worse?

8 A: No, sir.

9 Q: All right. And so, in your opinion then,
10 forceful rape, murder, nine simple assaults,
11 drug narcotic violations, disorderly conduct,
12 one aggravated assault, unlawful conduct
13 towards a child, that's a -- that's not as --
14 as bad as our 911 calls and the two shootings?

15 A: No, sir. I think that -- that you're trying to
16 look at things in a vacuum, which isn't fair to
17 -- to anyone and -- and I think that if we as
18 the Sheriff's Department were doing that, it
19 would not be fair to anyone either. Each
20 incident needs to be looked at, whether the bar
21 and nightclub or the location contributed to
22 it, what the facts and circumstances were
23 surrounding it and then, what the results or
24 what, if anything, was done, afterwards. So,
25 the homicide at McClary's (sic) actually had



1 nothing to do with the business whatsoever and
2 it was -- a self-defense shooting. And so,
3 looking at it in a vacuum, while that says
4 murder, yes, that absolutely on paper looks
5 bad, but you need to look at each incident,
6 which is what we try to do ---

7 Q: Right.

8 A: --- and assess it.

9 Q: So, if -- if the shooting had nothing to do
10 with the bar, you don't hold it -- the bar
11 responsible, do you?

12 A: No. I don't think you should.

13 Q: And -- and if the shooter didn't even set foot
14 in the bar, obviously you can't hold that
15 against the bar, correct?

16 A: Well, it depends on why the person is there and
17 what led to the shooting. So, I -- I can't,
18 again, answer that without the facts. But if
19 the person is there -- I mean, it -- it just
20 depends on facts and circumstances.

21 Q: Right. Well, suppose, hypothetically, the
22 shooter was at the rap concern, tried to get in
23 the bar, we refused to let him into the bar,
24 and he drew a gun and -- and shot our security
25 agent. What part of the facts do you blame on



1 us?

2 A: So, based on those very limited facts, it -- I
3 mean, it went depend on, you know, what the
4 interaction was with security, how -- how that
5 interaction went, but if security did
6 everything properly, then -- then, no, I
7 wouldn't think that you would hold that against
8 somebody.

9 Q: Okay. Okay. All right. Now, let's turn to
10 your efforts to get us evicted from our
11 location. Now, do you remember contacting our
12 landlord and asking that we be evicted?

13 A: I -- I have met with your landlord and I
14 specifically told her or we specifically told
15 her that we were not asking to be evicted, that
16 that was completely and totally her decision.
17 Never once did we ask for them to be -- for
18 your clients to be evicted.

19 Q: Okay. So -- well, why would you have met with
20 the landlord? What's the landlord got to do
21 with any of this?

22 A: So, under South Carolina Law, there is a public
23 nuisance action. As part of the public
24 nuisance action, which is something that --
25 that we consider pursuing, the landlord can be



1 held liable and fixtures and property can be
2 seized as a result of that public nuisance
3 action. And so, I believe that it -- it's our
4 duty as the Sheriff's Department and as good
5 stewards of the community to inform people so
6 that they are aware of what is occurring on
7 their property. What actions they -- they
8 choose to take after that is completely and
9 totally up to them. But never once did we ask
10 them to be evicted or demand it or ---

11 Q: So -- so, you -- you told them that unless you
12 evict them, we're going to seize your property?

13 A: Absolutely not.

14 Q: Well, what's the point of telling her that her
15 property is at risk?

16 A: I think that it's important to inform people
17 who own this property what is going on at their
18 property, which is what we did. Never once did
19 we ask them to be evicted. Never once did we
20 suggest that they be evicted -- evicted. In
21 fact, we told them that we couldn't suggest
22 that nor would we sug- -- nor would we or are
23 we suggesting that and that it was completely
24 up to them.

25 Q: Okay.



- 1 A: I -- I've been -- I know of other properties,
2 other bars and nightclubs and restaurants where
3 the landowner has been sued civilly and had
4 very significant civil ramifications for
5 murders and shootings that have happened on --
6 on properties run by your clients.
- 7 Q: To -- I'm sorry. I -- I caught you up to the
8 very end. What did you say at the end there?
9 That we've been sued?
- 10 A: One of the managers or operators of this
11 business has managed other properties where
12 there were in -- incredibly violent incidents,
13 and as a result, the property owners of those
14 properties have been sued. Yes.
- 15 Q: Okay. And that was a property man -- that was
16 a manager we've terminated; isn't that correct?
- 17 A: No, sir. It's my understanding that Mr. James
18 Randolph still works in your establishment.
- 19 Q: Okay.
- 20 A: Or is involved in it in some capacity.
- 21 Q: Okay. So, you told a landlord, unless you
22 evict him, you're going to get sued and we're
23 going to seize your property?
- 24 A: No, sir. That's not what I said.
- 25 MR. MCCABE: Yeah.



1 Q: All right.

2 MR. MCCABE: I -- I would just -- never mind. She's
3 -- she ---

4 THE COURT: Okay.

5 Q: But you told the -- you told the landlord
6 there's a possibility of litigation, did you
7 not?

8 A: No. In fact, we told them that that's exactly
9 what we don't want to have happen.

10 Q: Okay. All right. But what might happen?

11 A: No. Not even what might happen. That we were
12 trying to just make them aware so that we never
13 even got to that point.

14 Q: Okay.

15 A: That -- that is the last thing that -- that
16 anyone wants to do or that we would ever take
17 lightly or -- or suggest.

18 Q: Right. So, you -- you -- you'd have absolutely
19 nothing to do with the eviction, never
20 mentioned the word eviction to her, and y'all
21 completely stayed out of any eviction, correct?

22 A: She asked us should we evict them, and we said,
23 that is not a decision we can make. That is
24 not something that we would advise you on in
25 any way, shape or form, and that is completely



1 up to her.

2 Q: Okay. And so, that ended that, correct?

3 A: I have no idea what her conversations or what
4 her -- her actions were. I know that one of
5 our officers was subpoenaed to testify at the
6 eviction hearing and we've also gotten a
7 subpoena for request for documents for that
8 hearing.

9 Q: Okay. And were you at the eviction hearing?
10 Didn't you go to one of the eviction hearings?

11 A: I have never been to an eviction hearing. No.

12 Q: Okay. All right. But one of your sheriffs
13 went or employee.

14 A: One of our -- our deputies was subpoenaed.
15 Excuse me. Was subpoenaed. My understanding
16 was the hearing was continued.

17 Q: Okay. All right. That may be it, but let me
18 ask one question. Did you ever -- did you ever
19 during the course of the time period we were
20 open request that SLED go in -- into our
21 establishment?

22 A: No. I've never requested that SLED go in any
23 establishment.

24 Q: Okay. All right.

25 **MR. MAYBANK:** That's all we have, Your Honor.



1 MR. MCCABE: Follow-up, Your Honor.

2 MS. DUFFY - REDIRECT EXAMINATION BY MR. MCCABE:

3 Q: Mr. Maybank indicated that your business -- or
4 that the Sheriff's Office is, of course,
5 seeking to -- to revoke the license. Let me
6 ask you, has the Sheriff's Department contacted
7 the Department of Revenue about other
8 particular problem areas before?

9 A: Through protecting licenses or when we have
10 increasingly violent or numerous violent
11 events, yes.

12 Q: All right. Let me -- let me bring up some
13 names and let me see if they -- if you have
14 anything to say. And establishment named Mi
15 Casida. Do you remember that establishment?

16 A: Yes. Run by Mr. Randolph.

17 Q: All right. And do you remember what happened
18 with that establishment?

19 A: I don't know if -- if the Department revoked
20 their license or their voluntarily shut down,
21 but it is -- it's not longer operational.

22 Q: All right. An establishment named Candy Land.

23 A: Yes.

24 Q: Do you remember that establishment?

25 A: Yes. Also run by Mr. Randolph.



1 Q: And do you remember the result of Candy Land?

2 A: I believe that their alcohol license was
3 revoked.

4 Q: All right. And was that upon the -- not upon,
5 but is that a -- an establishment that the
6 Sheriff's Office reached out because you were
7 having problems with?

8 A: Multiple shootings and eventually a death
9 there, yes.

10 Q: All right. A place called My Place AKA Club
11 Blaze. Do you remember that establishment?

12 A: So, that is -- yes.

13 Q: And what happened with that establishment?

14 A: They foreclosed as a public nuisance. The --
15 the business was closed as a public nuisance.
16 And then, during their closure as a public
17 nuisance, their alcohol license also was
18 revoked.

19 Q: So, that was one again the -- the Sheriff took
20 action and then contacted ---

21 A: Correct.

22 MR. MCCABE: No further questions, Your Honor.

23 MR. MAYBANK: Can I ---

24 THE COURT: Hold on. You may cross on though --
25 that narrow issue.



1 **MR. MAYBANK:** And I -- I may not have any -- we took
2 the -- since she's the record's custodian, I
3 won't have any - if we can put the -- the
4 incident reports for McCary's and it is a
5 Respondent's Exhibit 1. We took the 2010 out.

6 **MR. MCCABE:** Your Honor, I believe they were already
7 entered as an exhibit. Right?

8 **MR. MAYBANK:** The Court Reporter thought that
9 perhaps they were not.

10 **THE COURT:** I was -- I was waffling on that ---

11 **MR. MCCABE:** Okay.

12 **THE COURT:** --- because -- so, I -- I think I'll
13 allow them to be admitted, if you don't object,
14 but not for the truth of the matter asserted
15 within them.

16 **MR. MAYBANK:** Right. And -- and we divided them ---

17 **THE COURT:** But even 2010 ---

18 **MR. MAYBANK:** --- accidentally ---

19 **THE COURT:** 2010 is getting -- that's 10 years ago.

20 **MR. MAYBANK:** Right. So, we took those out and if
21 we accidentally missed taking one or two out,
22 we agree it's irrelevant and -- and should be
23 struck. But it should be just the 10 years.

24 **MR. MCCABE:** Your Honor, we would just raise an
25 objection that we don't believe that the --



1 that the 10 years is an accurate comparison as
2 to the -- the establishments. Other than that,
3 that -- that objection.

4 **THE COURT:** All right. So, it's only as to the 10
5 years and not any -- anything else?

6 **MR. MCCABE:** Well, no. There's a -- there's plenty
7 more. We would object to say that -- that one,
8 they're hearsay.

9 **THE COURT:** Well, I'm only letting them for ---

10 **MR. MCCABE:** Right. But it's ---

11 **THE COURT:** --- like the other ---

12 **MR. MCCABE:** Correct.

13 **THE COURT:** --- incident report, so. So, what --
14 let me understand your position on that then.
15 Because I want to let them in for the fact that
16 they were incident reports not for the truth of
17 the matter asserted therein.

18 **MR. MCCABE:** Okay.

19 **THE COURT:** It's statements within there?

20 **MR. MCCABE:** Correct. And I -- and I would argue
21 that any statements that are made within the --
22 within the McCary reports are hearsay within
23 hearsay and it would ---

24 **THE COURT:** Yeah.

25 **MR. MCCABE:** There's that. We would object to their



1 relevance as to anything outside of 2020 to
2 2021 as that not being a fair comparison of
3 establishments. We would also suggest that
4 they're not relevant in that that establishment
5 is a good distance from this location. I'm not
6 sure of the exact distance. So, I don't know
7 if that comparison is -- is accurate as in the
8 geographically area is a -- is a little bit
9 different as well.

10 **THE COURT:** All right. Mr. Maybank?

11 **MR. MAYBANK:** I -- I -- and I -- you know, we're --
12 we have been told repeated a lot by virtually
13 every witness that it's a number of incidents
14 that's causing a problem. And so, if that's
15 the -- if that's the issue, the number of
16 incidents should result in a revocation of our
17 license, a place that's a mile away with vastly
18 more incidents is relevant.

19 **MR. MCCABE:** Your Honor, I -- I just want to
20 clarify. That is the basis for the Sheriff's
21 statement as to why ---

22 **THE COURT:** Yeah. Well, burden upon law enforcement
23 is -- is the -- is specific ---

24 **MR. MCCABE:** Correct. Correct.

25 **THE COURT:** --- to the case law.



1 **MR. MCCABE:** Correct. Correct. however, that is
2 not the reason their license is being revoked.
3 Their license was -- we are asking for the
4 license to be revoked because the establishment
5 does not have a reputation of -- of peace and
6 good order and we believe that they are
7 permitting events or activity that cause a
8 nuisance.

9 **THE COURT:** Well, would that not be burden upon law
10 enforcement be something I would consider or --
11 so, you're saying I -- I'm ---

12 **MR. MCCABE:** No. No. I -- I would. However, Mr. -
13 - Mr. Maybank was -- made the statement that
14 the number of calls is why they're being
15 revoked. And I just wanted to clarify. That's
16 ---

17 **THE COURT:** That's not the only reason.

18 **MR. MCCABE:** No. That is not the only reason.

19 **MR. MAYBANK:** Right. And -- and they are far more
20 serious allegations in there than there are
21 against our club.

22 **THE COURT:** Well, at this point, Mr. McCabe, I'm not
23 -- the -- once you start hitting -- I agree
24 with you. Past definitely two or three years,
25 it's getting marginally relevant. I'm going to



1 let them in anyway and just consider the
2 probative value in making my decision.

3 **MR. MCCABE:** That's fine, Your Honor. Thank you.

4 **THE COURT:** But I understand your objection.

5 **MR. MCCABE:** Thank you.

6 **THE COURT:** But I'm letting it in in the limited
7 fashion of which I stated earlier and that is
8 only for the fact that these incident reports
9 were issued, but not for any of the truth of
10 the matter asserted in the incident reports.
11 All right.

12 **(Respondent's Exhibit Number 1 was admitted into**
13 **evidence at this time.)**

14 **MR. MCCABE:** That is all we -- we have, Your Honor,
15 at this time.

16 **THE COURT:** Ms. Duffey.

17 A: Thank you, Your Honor.

18 **MR. MCCABE:** The Department has no more witnesses at
19 this time, Your Honor.

20 **THE COURT:** Okay. Let's just take a break.

21 **MR. MCCABE:** Thank you, Your Honor.

22 **MR. MAYBANK:** What time should we be back?

23 **THE COURT:** How about five minutes, ten minutes.

24 **MR. MAYBANK:** Okay.

25 **THE COURT:** Which one? I leave it open.



1 (Off the record from 3:07 p.m. until 3:21 p.m.)

2 MR. MAYBANK: All right. Your Honor, we call our
3 first witness. Jack. So, we'll have -- we'll
4 have two witnesses and then, a third very short
5 six-question witness.

6 THE COURT: Okay.

7 COURT REPORTER: Sir, do you solemnly swear the
8 following testimony to be the truth, the whole
9 truth, and nothing but the truth, so help you
10 God?

11 MR. OLIVER: I do.

12 COURT REPORTER: Thank you.

13 JACK D. OLIVER, JR., having been duly sworn,
14 testifies as follows:

15 MR. OLIVER - DIRECT EXAMINATION BY MR. MAYBANK:

16 Q: All right. If you'll please give your full
17 name for the record.

18 A: Jack D. Oliver, Jr.

19 Q: All right. And tell us just -- it's getting
20 late in the day. Tell us just a little bit
21 about yourself.

22 A: I was originally born in Virginia. Dad moved
23 us down to Columbia. He helped build the paper
24 mill out in Eastover and I graduated from
25 Spring Valley. And then, attended college at



1 Florida State in Tallahassee. Moved home about
2 15 years ago and started my pool company here
3 in Columbia.

4 Q: That would have been the glory days of Florida
5 State?

6 A: Yeah. We were good back then.

7 Q: All right. What's your main business today?

8 A: Today, my main business is Jack Oliver's Pool,
9 Spa and Patio.

10 Q: Okay. Just briefly, what do y'all sell?

11 A: We sell a little bit of anything to do with the
12 backyard. Grills, patio furniture, hot tubs,
13 saunas, patio furniture and of course, anything
14 to do with swimming pools. I -- I build pools,
15 remodel pools, we do weekly service and service
16 calls.

17 Q: Okay. Good. How did you get in -- and what's
18 your connection to Hookah then?

19 A: I own it.

20 Q: All right. And how did you get into the
21 restaurant business?

22 A: Decided to diversify last year and -- and kind
23 of -- I've taken the pool business as far as I
24 can take it basically because of lack of
25 quality employees or access to quality



1 employees. So, I started looking for other
2 revenue streams to -- to allow me to continue
3 to grow.

4 Q: Okay. And so, what is -- what's the business
5 model of the Hookah?

6 A: Well, we do -- first off, we're -- we're a
7 restaurant that serves a lot of food. And
8 that's -- that's been our calling card. We
9 also rent hookahs. Obviously, we're -- we have
10 a, you know -- a lounge type atmosphere with a
11 D.J. and we -- we -- we have food, hookahs and
12 alcohol are our primary income.

13 Q: Okay.

14 A: We also do a -- I'm sorry. We also charge
15 admission.

16 Q: All right. So, that's -- and -- and how do you
17 spell hookah for the Court Reporter?

18 A: H-O-O-K-A-H on the River.

19 Q: Okay. And so, you make a buck on food, the
20 hookah, admissions and ABL.

21 A: Right.

22 Q: Correct? All right. And when did you open the
23 restaurant for business?

24 A: Well, I -- I -- I opened Aqua Lounge last
25 April. I closed Aqua mid October, rebranded



1 and reopened Hookah towards the end of October.
2 Q: Okay. October obviously of 2020?
3 A: 2020. Correct. Yes.
4 Q: All right. And what's the street address of
5 Hookah?
6 A: 2700 B Broad River Road.
7 Q: All right. And do you own the real estate?
8 A: No.
9 Q: And who is your landlord?
10 A: Horizon Commercial.
11 Q: All right. And are you in a strip mall?
12 A: Yes.
13 Q: All right. It -- why don't we put this up on
14 the screen and why don't we do the first a big
15 picture of the strip mall. If you can testify
16 -- if you can, and we would get you to identify
17 that document. That glare ---
18 A: We got a glare on it.
19 **MR. SALEEBY:** I'm trying ---
20 A: Go down some with it. Go down. I think if you
21 go down. Oh, no. I see it now. I'm looking
22 at it backwards. I got it.
23 Q: Okay. If we can get you to identify that.
24 **(Respondent's Exhibit Number 2 was referenced at this**
25 **time.)**



1 A: Yep. The bottom long building is the strip
2 shop and mall that my restaurant is in.
3 Correct.
4 Q: All right. Perfect.
5 A: And then where the pin is is exactly where my
6 front door is.
7 Q: Okay. And where is Rush's that we've discussed
8 ---
9 A: Rush's is directly across the street and where
10 the glare is is the CK gas station that was
11 topic of much conversation earlier.
12 Q: Okay. So, that CK ---
13 A: Correct.
14 Q: --- there?
15 A: Correct.
16 Q: And then, Rush's is -- does that point to
17 Rush's parking lot?
18 A: Correct.
19 Q: All right. And then, where is the rap club,
20 which we'll get into in a minute?
21 A: To the left of my building. The -- the jet out
22 -- correct. All of that is the event center.
23 Q: All right.
24 **MR. MAYBANK:** We'd introduce that as Exhibit Number
25 2 without any objection.



1 MR. MCCABE: No objection, Your Honor.

2 THE COURT: It is admitted.

3 (Respondent's Exhibit Number 2 was admitted into
4 evidence at this time.)

5 Q: All right. And -- and so, I think that
6 adequately shows it. All right. Let's --
7 let's pull up the -- the next picture. And if
8 you'll identify that.

9 A: That is my restaurant on the left, Hookah on
10 the River, and then, the Exquisite Event Center
11 on the right.

12 Q: Okay. So, you are truly literally next door.

13 A: Correct.

14 Q: And y'all share that parking lot?

15 A: Definitely.

16 Q: All right. And -- and so, what is the -- the
17 mailing address to the rap club?

18 A: 2700 A.

19 Q: All right. And -- and what's your address?

20 A: 2700 B.

21 Q: All right. And what are the -- what are the
22 various names of -- of the rap club?

23 A: Well, for a long time it didn't have the sign
24 on it whatsoever and that created a lot of
25 confusion in the shopping center. The landlord



1 eventually forced them to put up a sign and at
2 that point -- and that's happened within the
3 last couple of months. And at that point is
4 when we learned it's called the Exquisite Event
5 Center. We just called it the event center
6 prior to that.

7 Q: Okay. And -- all right. And does it have rap
8 events there?

9 A: There's been at least 20 rap concerts there,
10 multiple private parties there, birthday
11 parties, graduation parties. This past Friday
12 night, they had a pride event there. It has
13 been the source of a lot of problems and issues
14 for my restaurant.

15 Q: Okay. So, their -- their business model is a
16 special events club?

17 A: Correct.

18 Q: And a lot of those special events are -- are
19 rap concerts?

20 A: Yes. A lot.

21 Q: Okay. And let's put up the -- some of the
22 advertisements of the rap concerts.

23 MR. SALEEBY: Let me see if I can zoom that a little
24 bit.

25 THE COURT: Is the -- the people and ---



1 MR. SALEEBY: Oh. Okay.

2 THE COURT: Do you see them?

3 MR. SALEEBY: Oh. Okay. That's as far as I ---

4 MR. MAYBANK: And we don't -- we don't actually need
5 to see it that closely.

6 MR. SALEEBY: All right.

7 Q: So, identify that document there?

8 A: That is a -- a rap concert that was had the
9 night that might security guard was shot in the
10 head.

11 Q: Okay. And do we have any other rap concert ad
12 there -- advertised?

13 MR. MAYBANK: Do you have the other two or three?

14 Q: And just identify that.

15 A: Yep. That's one.

16 Q: Uh-huh. An advertisement for a rap concert?

17 A: Yeah. Actually, if we go back to the first
18 one, I forgot to point out that my restaurant
19 is listed on there flyer, bottom right corner,
20 it says next to the Hookah Lounge.

21 Q: Uh-huh.

22 A: So, again, that -- the -- the event center has
23 caused a lot of confusion, obviously with law
24 enforcement and also with -- with customers and
25 patrons, and people in the area.



1 Q: Okay. All right.

2 **MR. MAYBANK:** And then, do we have another
3 advertisement, Andrew or is that it? Bottle
4 Wars. Okay. And -- and was there a third
5 advertisement? Okay.

6 A: Yeah. Stripper Bowl. That was -- if my memory
7 served me, a Super Bowl party they had with
8 strippers, which is against the law, but
9 apparently, Richland County Sheriff's
10 Department not aware of that.

11 Q: And they had a free Henny and hookah ---

12 A: Yeah. They're given away alcohol.

13 Q: --- taking a page from your model a little bit.

14 A: Yeah. Henny is -- is a nickname for Hennessy,
15 which is a liquor.

16 Q: Uh-huh (affirmative response). Okay. All
17 right.

18 **MR. MAYBANK:** And so, is that the last one? One
19 more.

20 A: This one is -- this one's a -- is one of,
21 again, many concerts, but this one I printed
22 out and showed because obviously, the various
23 divisions of the Richland County Sheriff's
24 Department are not talking to each other.
25 Captain Coggins, who is the unit -- the leader



1 of the gang squad for Richland County Sheriff's
2 Department called me because ---

3 **MR. MCCABE:** Your Honor, I would -- I would raise
4 any objection to anything that was said by the
5 Captain. He obviously can't testify to what he
6 was told. They are not a -- a party opponent.
7 So, I -- I don't think it would be appropriate
8 for him to testify as to what he was told.

9 **MR. MAYBANK:** Your Honor, they -- they -- everyone
10 of their witness talked about conversations.
11 They -- they are not the moving party, but they
12 are the real party in interest so to speak.
13 They're -- they're the ones that are -- are
14 basically seeking a revocation of the license.

15 **MR. MCCABE:** Your Honor, that ---

16 **THE COURT:** Well, I -- I'll just save both of y'all
17 the trouble. I -- that's hearsay. I've got to
18 sustain that objection.

19 **MR. MCCABE:** Okay. All right.

20 **THE COURT:** All right.

21 Q: So, without being hearsay, so you got a call
22 from the Richland County Sheriff's Department
23 without telling me what the call is?

24 A: Yes. Captain Coggins from the gang squad
25 called.



1 Q: Called you. All right. And so, what did you
2 tell Captain Coggins?

3 A: Well, Captain Coggins because some local gang
4 members had posted on their social -- on their
5 social media that they were going to a -- what
6 they called a white concert at my restaurant.
7 And he was concerned about that. And I
8 informed Captain Coggins that it actually --
9 and one of his concerns was is that this rapper
10 is a -- is a -- is a -- someone that advertises
11 himself as an active gang member. And he ---

12 MR. MCCABE: Your Honor, I -- he -- he's testifying
13 as to what the -- the ---

14 THE COURT: That one of his concerns was.

15 MR. MCCABE: Right -- right, Your Honor.

16 THE COURT: That -- that's a hearsay statement.

17 MR. MAYBANK: Okay.

18 THE COURT: I sustain the objection.

19 MR. MCCABE: Thank you, Your Honor.

20 THE COURT: Strike that.

21 MR. MAYBANK: Okay.

22 Q: So, who is OJ the Juice Man?

23 A: He is a -- a Blood gang member rapper.

24 Q: Okay. All right. And so, was there confusion
25 that he was playing in your establishment?



- 1 A: Yes.
- 2 Q: All right. And so, what did you tell the
3 Sheriff's Department?
- 4 A: That ---
- 5 Q: The gang unit.
- 6 A: That he was not playing in my establishment.
7 That he was playing in the event center next
8 door.
- 9 Q: Okay. And did they -- did they send -- when he
10 played, did they send out a -- police units?
- 11 A: Yes. The gang squad came and parked in the
12 parking lot.
- 13 Q: Okay. All right. And they were there all
14 night?
- 15 A: For a good portion of the night. Yes.
- 16 Q: Okay. And so, just to skip over a little bit.
17 You obviously share a parking -- a parking spot
18 with the -- the rap club?
- 19 A: Yes.
- 20 Q: Okay. And why don't we just leave this ---
- 21 **MR. MAYBANK:** I don't know where we would best put
22 it. So, that's just a -- the blow up of what
23 we already have.
- 24 **MR. MCCABE:** Yeah.
- 25 Q: So, I'll just put it right there. All right.



1 And -- all right. And what time do the
2 concerts usually end?

3 A: Between 2:00 and 3:00.

4 Q: All right. And where to the customer's go
5 after the concerts?

6 A: Sometimes they try to come into my restaurant.
7 Some leave. Some hand out in the parking lot.
8 Some go across to the Rush's across the street.
9 There's also another convenient store on the
10 other side of Broad River. They go there also.

11 Q: Okay.

12 **MR. MCCABE:** Your Honor, I -- I would raise an
13 objection. Unless these are facts that he has
14 specifically witnessed himself, which he may
15 have been there. I don't think -- I mean, it's
16 all speculation of where these people are
17 going. I don't think he -- he hasn't testified
18 that he's observed where the customers are
19 going.

20 **THE COURT:** Mr. Maybank.

21 **MR. MAYBANK:** Okay. Why don't I back up a bit?

22 Q: You -- this is your establishment, correct?

23 A: Yes. And I will go up there sometimes on
24 Friday and Saturday nights and observe the
25 situation.



- 1 Q: Okay. In particularly, would you observe,
2 given all the problems, would you observe the
3 rap club?
- 4 A: Definitely.
- 5 Q: All right. And so, did you personally witness
6 what happened when the rap club comes out?
- 7 A: On one occasion, yes.
- 8 Q: Okay. All right. All right. Let's go into
9 the management of your restaurant. Who is your
10 original manager?
- 11 A: My original manager was Norman Harvin.
- 12 Q: All right. Is he still your manager?
- 13 A: No. I fired him.
- 14 Q: All right. When did you fire him?
- 15 A: October.
- 16 Q: Did you ---
- 17 A: Of 2020. I'm sorry.
- 18 Q: Did you terminate the other employees at the
19 time?
- 20 A: I terminated everybody involved. Yes.
- 21 Q: All right. And did you hire a new manager and
22 what's her name?
- 23 A: Her name is Kiara Nelson.
- 24 Q: All right. After you terminated your former
25 managers, did SLED and Richland County



1 Sheriff's Department started coming into your
2 club?

3 A: Tremendously.

4 Q: All right. And were they undercover or in
5 uniform or both?

6 A: Both.

7 Q: All right. Did they -- did they -- have they
8 detected any ABL violations by the club? Did
9 they write any tickets?

10 A: Yes.

11 Q: Okay. And what one was that?

12 A: That was the violation of the Governor's
13 executive order.

14 Q: All right. And what remedial steps did you
15 take after the curfew violation?

16 A: I installed cameras and to -- and also, alarm
17 clocks and we removed the alcohol -- the actual
18 liquor from the shelves at 11:25 every night.
19 And I was able to confirm via the cameras that
20 I could view on my phone.

21 Q: All right. And did you access the cameras from
22 your home?

23 A: Wherever I'm at.

24 Q: Okay. You did it on your phone?

25 A: Correct.



1 Q: All right. And so, you personally verified the
2 sales of alcohol were shut down?

3 A: Correct.

4 Q: All right. Did the Sheriff's Department ever
5 come to you after that and say you had to close
6 at midnight?

7 A: The Sheriff's Department, yes. They didn't
8 personally come to me. I was called on the
9 phone. Captain -- or he's Corporal Hawk.

10 Q: Corporal Hawk.

11 A: Corporal Hawk, I think. My -- my ---

12 Q: Okay.

13 A: --- my promotions manager, Chris Sullivan,
14 called me while Corporal Hawk had already been
15 there, brought me up on -- to speed on -- just
16 basically how rude Hawk was. And he -- he made
17 a comment that offended my staff. He -- he
18 quoted one of the ---

19 **MR. MCCABE:** Your Honor, once again, he -- he's
20 making statements about what someone else said.
21 That -- that individual was here as a witness
22 and if Mr. Maybank had any questions about any
23 conversation that could have occurred, that was
24 open to cross-examination. But I don't think
25 it's fair to have his witness testify as to



1 what someone had said. I mean, it's a
2 definition of hearsay.

3 **THE COURT:** Well, actually, you're referring to
4 some- -- something that is not hearsay because
5 ---

6 **MR. MCCABE:** What exception would ---

7 **THE COURT:** It's not an exception. Those are two --
8 under the rules of hearsay, prior statements of
9 witnesses, and there's four of them, that are
10 not considered hearsay and then there's
11 statements of party opponents admissions that
12 are not hearsay. So, a prior inconsistent
13 statement is considered not hearsay and there's
14 a requirement for -- for you to get those in.
15 The first one is that the person must testify
16 and the second is that they must be subject to
17 cross-examination. So, if you're going to make
18 that objection, it's rule 8-0 -- I'm not sure
19 which one, 802 ---

20 **MR. MCCABE:** It would probably be -- somewhere in
21 that.

22 **THE COURT:** 801. You're going to need to tell me
23 why that would be improper ---

24 **MR. MAYBANK:** Okay.

25 **THE COURT:** --- as to that ruling.



1 **MR. MAYBANK:** It's a -- it's a minor point. Why
2 don't we move on or we'll going to be here on
3 night?

4 **THE COURT:** Okay. Well, moving on would make me
5 even happier.

6 **Q:** All right. So, he told you you had to shut
7 down business at 12:00 o'clock?

8 **A:** Correct.

9 **Q:** All right. And was -- is that Governor
10 McMaster's executive order?

11 **A:** No.

12 **Q:** All right. And there were other restaurants,
13 McDonald's, Waffle Houses, were they all open
14 after 12:00 o'clock?

15 **A:** Yes. And I asked him that question and he had
16 no valid reason why he -- he had not gone to
17 shut them down.

18 **Q:** Okay. All right. Now, the Sheriff's
19 Department alleged you're not doing enough to
20 control your customers and that's causing a
21 heavy demand on the resources of the Sheriff's
22 Department. And there's no doubt, there --
23 there are customer issues or not necessarily
24 customer issues, but there are incidents
25 involving people. But the issue here has been



1 your customers. Are -- I mean, is the issue
2 here your customers or customers of the rap
3 club?

4 A: The customers -- primarily, the incidents,
5 particularly, the shooting of the security
6 guard was a direct result of the rap club.

7 Q: All right. And the rap club attracted gang
8 members?

9 A: Definitely.

10 Q: All right. And -- and so, they actually came
11 and played -- a national gang members actually
12 came and played at the club, correct?

13 A: Yes.

14 Q: All right. All right. And to your knowledge,
15 is that the only time the Sheriff's Department
16 has ever parked in front of the rap club,
17 directly in front of the rap club?

18 A: Oh, no. They parked out in the parking lot or
19 across the street in Rush's on multiple
20 occasions.

21 Q: But -- but not in front of the rap club
22 directly?

23 A: Correct.

24 Q: Is that correct?

25 A: Uh-huh.



1 Q: All right. So, let's go to -- turn to your
2 security measures. The security -- Sheriff's
3 Department alleges you haven't done enough to
4 police your restaurant. You've already
5 described the security cameras. Aren't -- at
6 that -- why don't we get just a little bit more
7 description of the security cameras. How many
8 of them are there and where are they?

9 A: I have eight cameras, two over the back door,
10 four inside, and two on the front.

11 Q: All right. And do you have security guards?

12 A: Yes. I have bouncers inside and SLED certified
13 security guards outside.

14 Q: All right. And what security guard firm do you
15 use?

16 A: POR Security.

17 Q: Is it Armed Security or PR security?

18 A: PR Security.

19 Q: All right.

20 A: SC Security. I'm sorry. I got a lot going on
21 in my head.

22 Q: SC Security. And when did you hire them?

23 A: We hired them in October of 20 ---

24 Q: Of 2020?

25 A: Correct.



1 Q: All right. And why did you hire them?

2 A: Reputation.

3 Q: Okay.

4 A: Well trained. Hard to find the quality of
5 security guards that they provide here in
6 Columbia. The vast majority of their -- of --
7 of Ray's staff, and Ray's the owner, is either
8 former military or former police that are --
9 that are based out of the Charleston-
10 Summerville area and they -- they drive up
11 because we pay well and they ---

12 Q: Okay.

13 A: --- they like working with us.

14 Q: How much do you typically -- do they charge you
15 for a weekend?

16 A: Oh, a weekend, my security bill sometimes is
17 \$3,000.

18 Q: Okay. Is it ever below 2,000?

19 A: Yeah. On Tuesday night, things like that when
20 we're not super busy.

21 Q: Yeah, but on the weekend.

22 A: On a weekend, no.

23 Q: Okay.

24 A: Sometimes more when -- you know, the -- the
25 event center whenever they have anything, they



1 don't -- they don't -- they do very little, if
2 any, security. So, we end up having to -- to
3 try to secure the whole location because of --
4 of their crowd.

5 Q: All right. And so, how many security guards
6 during the week?

7 A: It averages between two -- two to four. You
8 know, two Tuesday, four by Thursday.

9 Q: And then, how about on the weekend?

10 A: Weekends, as much as 8 to 10 just depending.
11 Again, if -- if they're -- if they're having
12 something, we up the security.

13 Q: Okay. And does the -- there was testimony that
14 you didn't allow the security guards inside; is
15 that accurate?

16 A: There's been a couple of occasions where -- not
17 the security guards; the police, you mean?

18 Q: No. The -- the -- the sergeant testified that
19 he understood you don't allow your security
20 guards inside of your establishment.

21 A: We don't allow them to carry weapons inside.

22 Q: Okay.

23 A: Right. Right.

24 Q: But they're allowed to come in?

25 A: Right.



- 1 Q: But they can come in ---
- 2 A: But we have bouncers inside who are unarmed.
- 3 Q: All right.
- 4 A: Right.
- 5 Q: And -- and the -- how many bouncers do you have
- 6 inside?
- 7 A: Two to three depending -- again, depending on
- 8 the night. Sometimes as little as one.
- 9 Sometimes as much as three to four.
- 10 Q: Okay. All right. And so, are -- are the --
- 11 are the -- is the security guard SLED
- 12 certified? Is the firm SLED certified?
- 13 A: Yes.
- 14 Q: And how about the guards themselves?
- 15 A: Yes.
- 16 Q: All right. And what -- what -- that firm, did
- 17 that provide security, they're there for how
- 18 long?
- 19 A: They're there for the time we open up until the
- 20 staff is in their cars and going home.
- 21 Q: Okay. All right. And -- so, basically from
- 22 opening to closing?
- 23 A: Correct.
- 24 Q: All right. So, they -- on the weekends, they
- 25 stay until the bar is totally closed?



1 A: Correct.

2 Q: All right. Now, did -- who inspects customers
3 coming into the restaurant?

4 A: They do and then the bouncers double check them
5 once they get inside.

6 Q: Okay. So -- so, where does the wandering take
7 place?

8 A: It happens outside and sometimes they'll wand
9 them again a second time.

10 Q: Okay. And I skipped over that. So, you -- do
11 -- tell me what you do to inspect each customer
12 when they come in?

13 A: Oh, they -- they will -- they will actually
14 physically frisk them down, and then also take
15 a handheld metal detector wand from top of head
16 to feet.

17 Q: Okay. And that's done to every single
18 customer?

19 A: Right.

20 Q: And that's done by the security guards outside?

21 A: Correct.

22 Q: All right. And once they get inside, is there
23 any further frisking or wandering?

24 A: Yeah. Some -- yes. On occasion, yes.
25 Bouncers will -- will double check people that



1 they feel need to be double checked.

2 Q: Okay. And do the security guards have the
3 authority to not allow someone in?

4 A: Oh, absolutely. We actually have -- we
5 actually have a list of people that are not
6 allowed in.

7 Q: Okay. And so, we heard the last thing that the
8 -- that the -- the sergeant testified about was
9 the March 22nd incident. Tell us -- I'm sort
10 of -- getting sort of out of order here, but
11 tell us about what happened on March 22nd?

12 A: The March 22nd incident that -- that Sergeant
13 Torres testified to had absolutely nothing to
14 do with my establishment. A domestic situation
15 was escalating four to five doors down in front
16 of the Subway. My security guards ---

17 Q: Just let me interrupt you.

18 MR. MAYBANK: If you'd put that picture back up
19 there.

20 Q: And tell us where that -- Subway, meaning an
21 actual franchise?

22 A: Yeah. It's a -- it was an actual Subway
23 franchise. It was inside of my shopping
24 center. Probably ---

25 MR. MAYBANK: And can you -- Andrew, do you know



1 where it is to point to?

2 A: Yeah. I would say about ---

3 **MR. SALEEBY:** Is this Subway?

4 A: Yeah. Yeah. Exactly.

5 Q: It's almost directly behind you?

6 A: No. No. No. No. No. That's just -- I don't
7 know why it's printed there. All the -- all
8 the stores are in the front.

9 Q: Right. Okay.

10 A: And it's -- and it's -- it's -- it's maybe a
11 little bit further down, Andrew. Yeah. But
12 between those two cars is about where the
13 Subway is. A male and a female in a -- in a
14 SUV pulled in. They were arguing with each
15 other. And they started -- I think actually
16 the female based on what my security guards
17 told me, I think the female started pushing on
18 the male and we called 911 and they responded.

19 Q: Okay. And -- so, did they ever actually come
20 inside your establishment?

21 A: Never.

22 Q: All right.

23 A: Had nothing to do with us whatsoever.

24 Q: All right. And -- and the only thing they had
25 you do is they're parked -- they were parked in



1 -- in that lot?

2 A: Correct.

3 Q: In the Subway station?

4 A: Yes.

5 **MR. MCCABE:** Your Honor, I -- Mr. Maybank has been
6 leading for -- for quite some time, so I would
7 raise objection to continuing questions with --
8 with leading. Also, the -- the statements that
9 he made about what he was told, I'd ask that it
10 be stricken as hearsay.

11 **THE COURT:** Well, you -- you could have objected to
12 them ---

13 **MR. MCCABE:** Well, I -- I did, but then -- I mean, I
14 don't want to be accused of interrupting him
15 because he's already ---

16 **THE COURT:** Nobody has excused of that, Mr. -- Mr.
17 McCabe. You're -- you're free to object however
18 you want.

19 **MR. MCCABE:** All right. Thank you, Your Honor.

20 **THE COURT:** I think your objection on that is a
21 little belated. Mr. Maybank, but I caution you
22 about leading.

23 **MR. MAYBANK:** Right. I -- I'm leading, Your Honor,
24 because I'm trying to get us out of here.

25 Q: All right. So, your security guards, where do



1 they come from? What's their background so to
2 speak?

3 A: Military police.

4 Q: Okay.

5 A: Former military police.

6 Q: And did they ever discover weapons when they do
7 their -- their pat down and wand?

8 A: Yes.

9 Q: All right. And what do you do if -- how many
10 times has that happened?

11 A: At least once, maybe twice. And we call the
12 Sheriff's Department to come pick them up.

13 Q: All right. And -- so, how -- and how do you do
14 that? Do you dial 911 or you just call ---

15 A: Yes.

16 Q: --- a phone -- phone number?

17 A: Yes. Yep. We have two numbers that -- that my
18 staff call. If it's a vital emergency, they
19 call 911. The Sheriff actually gave us another
20 number within the last 30 days for non-
21 emergency purposes. So, if we need assistance
22 in clearing the parking lot, again, from the
23 event center or anything like that, we can call
24 that number and they will send deputies if
25 they're available.



1 Q: Okay. So, let's turn to the 911 call and the
2 Sheriff's Department, one -- one of them
3 testified they had received too many 911 calls
4 and it's a drain on their resources. How many
5 times have you dialed 911?

6 A: Myself? None.

7 Q: I mean, the -- the ---

8 A: My staff?

9 Q: Right.

10 A: Somewhere probably between five and seven.

11 Q: Okay. And so, describe those calls. What were
12 those calls for?

13 A: Well, all related to the event center or taking
14 a gun.

15 MR. MCCABE: Your -- Your Honor, I would -- I would
16 object that he's testifying to what he -- he's
17 admitted he's not made these calls, so I don't
18 know that he's in a position to be able to
19 testify as to what the calls were for. I would
20 think that the proper record would be from the
21 incident reports from -- from the police.

22 THE COURT: Mr. Maybank.

23 MR. MAYBANK: He -- he's the -- he's the manage --
24 the owner of the club. He can certainly
25 testify as to what went on in his club.



1 **THE COURT:** But he can't testify to what other
2 people did. Why or what people said in other
3 calls.

4 **MR. MAYBANK:** Right.

5 **THE COURT:** He -- the rules of evidence specifically
6 set forth that you can testify only to your
7 personal knowledge and unless, you're an expert
8 witness or a lay expert.

9 **MR. MAYBANK:** Well, we've ---

10 **THE COURT:** So ...

11 **MR. MAYBANK:** And maybe I just didn't object enough,
12 but the -- everyone of the Sheriff's Department
13 witnesses testified to what went on in the
14 Department. He's just doing the exact same
15 thing for his bar.

16 **THE COURT:** I would've sustained those objections.

17 **MR. MAYBANK:** All right. Okay. All right.

18 Q: All right. Do you know of your own personal
19 knowledge how many times your establishment
20 called 911?

21 A: Between five and seven.

22 Q: Okay. I mean, but you know with a personal
23 knowledge what the reasons are?

24 A: Unruly crowd. The security guard getting shot.
25 The -- finding a gun and then, also the



1 domestic situation that developed a couple
2 weekends ago.

3 Q: Okay. And how about when the security guard
4 was shot?

5 A: Yeah. We called then.

6 Q: All right. Now, have you ever been the victim
7 of fake 911 calls?

8 A: A lot.

9 Q: All right. And could you estimate how many?

10 A: Probably between 20 and 30 is my estimate.

11 Q: All right. And -- and describe the fake 911
12 calls?

13 A: A wide variety of things from fight inside,
14 which generated a -- a response from -- from
15 Corporal Hawk. Security guard selling drugs.
16 Fights outside. Over capacity. Fire inside.
17 Just about anything and everything you can
18 think of.

19 Q: All right. And -- and they were not accurate
20 though?

21 A: They were not accurate and -- and I realized
22 that it was becoming an issue and sent an email
23 to Sheriff Lott to -- to ask him to look into
24 it, and also to set up a personal meeting with
25 him.



1 Q: Okay. And did -- did you have any
2 conversations with the Sheriff's Department
3 about them being fake?

4 A: I had a conversation with Sheriff Lott. The --
5 the -- the -- I guess frustrating and just
6 unbelievable thing is that no one from the
7 Sheriff's Department has ever come to me as the
8 owner and expressed to me that my business was
9 an issue. If they would have, I would have
10 educated them on obviously they -- something
11 they don't know about, which is the excessive
12 amount of events going on at the event center,
13 the rap concerts and everything else. And we
14 probably wouldn't be sitting here today, I
15 guess, if I had taken that step. But noone
16 from the Sheriff's Department has ever come to
17 me personally and told me that my business was
18 a problem. And multiple people in leadership
19 at the Sheriff's Department have my direct
20 number.

21 Q: Okay. And so, they know -- the Sheriff's
22 Department knows you're the owner of that
23 establishment?

24 A: Definitely.

25 Q: Okay. And you've talked to them from time to



1 time on other issues?

2 A: Representatives, again, Captain Coggins called
3 me when the -- when the national gang rapper
4 was there. I had a good working relationship
5 with the former region commander, cap- --
6 Captain Pearson. Didn't know that Captain
7 Tapler (ph) had been moved into that position
8 until I saw his name on an email correspondence
9 when we had an issue with Corporal Hawk being
10 disrespectful to my staff and being untruthful,
11 and unknowledgeable. We noticed that Captain
12 Tapler's (ph) name has been attached to the
13 email. So, I called some of my friends at the
14 Sheriff's Department and they -- they brought
15 me up to speed that he was the new region
16 commander. So, I took the initiative and --
17 and got his cell phone number, called him,
18 introduced myself to him. We agreed that we
19 were going to have lunch and sit down and talk,
20 but between Corona and just me, and I'm sure
21 him, being extremely busy, we never had that
22 lunch. But on occasion, I had texted him and
23 Captain Coggins whenever the event center was
24 having, you know, another concert, and asked
25 them for more patrols, etcetera. So, yes.



1 They -- they're very aware -- everyone in the
2 Department is very aware that I'm -- I'm the
3 owner of that establishment.

4 Q: Has anybody from the Sheriff's Department ever
5 told you they had received 103 calls?

6 A: No.

7 Q: Okay. Prior to this case being filed, did you
8 have a clue there were 103 calls?

9 A: There's not been 103 calls ----

10 Q: Okay.

11 A: --- to my restaurant. No way. That's
12 ludicrous.

13 Q: All right. Now, have there been fake fire
14 department calls?

15 A: Absolutely.

16 Q: All right. And describe those.

17 A: Just randomly the fire trucks will show up with
18 lights on, blaring, pull up, come in. We've
19 had -- Chief Austin has actually done personal
20 inspections twice on capacity questions. He
21 found no issues, wrote on citations and left.

22 Q: Okay. And did he acknowledge that it was a
23 fake -- fake call?

24 A: He rolled his eyes. So, I'm not going to say
25 he verbally acknowledged it.



1 **MR. MCCABE:** He -- he -- Your Honor, the definition
2 of hearsay.

3 **THE COURT:** I sustain that.

4 **Q:** All right. Let's turn to the -- has the
5 Sheriff's Department spent quite a bit of time
6 at your establishment when noone has called
7 them and there were not issues; is that
8 correct?

9 **A:** Correct.

10 **Q:** All right. So, let's turn to -- why don't we
11 turn to the eviction first? Has Richland
12 County Sheriff's Department attempted to have
13 you evicted from your location?

14 **A:** That is the -- that is the statement from my
15 landlord.

16 **Q:** Okay. Did you approach ---

17 **THE COURT:** I ---

18 **MR. MCCABE:** Your Honor, this is just silly at some
19 point.

20 **THE COURT:** I -- I have to sustain that if you
21 object. He said that is the statement from his
22 landlord. That person's not here.

23 **MR. MAYBANK:** Okay.

24 **Q:** So, the Richland County Sheriff's Department
25 met with your landlord?



1 A: Correct.

2 Q: All right. And as a result of that meeting,
3 what happened?

4 A: My landlord initiated eviction proceedings.

5 Q: Okay. And did she tell you why she had?

6 A: Police complaints.

7 Q: All right. And -- and ---

8 **THE COURT:** Are you objecting?

9 **MR. MCCABE:** Yes, Your Honor. I mean, I feel like
10 I'm going to be continually standing.

11 **THE COURT:** He just said -- you asked did she tell
12 you why and he said, she said police complaint.
13 Do you have an exception to the hearsay rule
14 for that one?

15 **MR. MAYBANK:** I mean, that's why she initiated the
16 action. Whether it's right or wrong, that's
17 what she told him she initiated a foreclosure
18 action.

19 **THE COURT:** All right. Any response to that?

20 **MR. MCCABE:** Your Honor ---

21 **THE COURT:** He's saying, I'm assuming, I hate to
22 help y'all out or -- or be saying that she
23 didn't do it -- he's not offering the truth of
24 the matter asserted, he's offering it ---

25 **MR. MCCABE:** WE would just say that, Your Honor,



1 that -- I mean, he -- he said, she said. We
2 would say that that's -- that's clearly within
3 the definition of hearsay, but. We'll leave it
4 to the Court's discretion.

5 **THE COURT:** Well, on that one, I'm going to have
6 sustain the objection.

7 **MR. MAYBANK:** Okay.

8 Q: So, after -- after the Sheriff's Department met
9 with your landlord, what happened next?

10 A: An eviction process was started by my landlord.

11 Q: Okay. And who from the Sheriff's Office
12 approached your landlord?

13 A: The lawyer, McDuffey, Major Harry Polis, and
14 Captain Tapler.

15 Q: Okay. All right. And -- and what did they
16 present her with?

17 A: That my bro -- my business was a strip club and
18 also was a violent location.

19 Q: All right. And did ---

20 **MR. MCCABE:** Your Honor, where is this in -- I mean,
21 was -- was -- he's testifying as to what the
22 Sheriff told -- I mean.

23 **THE COURT:** Actually, that would be hearsay, all
24 hearsay because that would be ---

25 **MR. MCCABE:** Right.



1 **THE COURT:** He's testifying ----

2 **MR. MCCABE:** As to what his landlord ---

3 **THE COURT:** --- on someone else as to what someone
4 else told him, so.

5 **MR. MCCABE:** Oh, yeah. Correct.

6 **MR. MAYBANK:** Yeah. But their -- their witness has
7 already -- the attorney has already discussed
8 the eviction proceedings earlier. So, it's --
9 it's testifying relating to her testimony.

10 **THE COURT:** Okay. You're right on that one. The --
11 that's a -- that would be an inconsistent
12 statement, but it's still -- your -- this --
13 the problem is is a hearsay on hearsay and
14 that's where I need you to explain why you have
15 a right to go into that, Mr. Maybank.

16 **MR. MAYBANK:** In the -- actually, I thought I -- I -
17 - I didn't ask what he -- what anybody said.

18 **THE COURT:** I tell you what, let me just sustain the
19 objection, strike the testimony and let you
20 start up again.

21 **MR. MAYBANK:** All right.

22 **THE COURT:** And let's see if you can get Mr. Oliver
23 to testify to what you asked.

24 **Q:** So, what did the Sheriff's Department present
25 your landlord with? Don't tell -- testify



1 anything that they said. What did they present
2 her with?

3 **MR. MCCABE:** Your Honor, we're trying ---

4 **THE COURT:** Now, he can ---

5 **MR. MCCABE:** --- to dance around instead of said at
6 this point. I mean, this -- this clearly -- if
7 he has someone, the landlord for example, to be
8 able to testify, then that would be fine. But
9 this is basically, we don't have this witness,
10 so we're going to try to side step instead of
11 asking him what was said, what was presented.

12 **THE COURT:** Well ---

13 **MR. MCCABE:** What's presented is not hearsay. It --
14 or verbal testimony at all.

15 **THE COURT:** What you're asking -- let's see if I can
16 find it. I study law, you know, but I -- the --
17 Rule 601? No. 602, I apologize. That a
18 witness may not testify to a matter unless
19 evidence is introduced sufficient to support a
20 finding that the witness has personal knowledge
21 of the matter. So, he's testifying as to -- I
22 forgot the question now. But he's -- it sounds
23 to be like he's testifying as to why someone
24 else did what they did and he can testify to
25 that, if he has personal knowledge. So, what



1 I need you to do is lay the foundation for was
2 he there? Did he witness it? And how many
3 have personal knowledge of this? Okay.

4 Q: Okay. So, you -- the Sheriff's Department met
5 with your landlord, correct?

6 A: Correct. And my landlord then requested a
7 meeting with me and at that meeting, she told
8 me that the Sheriff's Department ---

9 **THE COURT:** Well ---

10 Q: You can't tell what they -- but after that
11 meeting, what happened?

12 A: An eviction process was started.

13 Q: All right. And so, what happened at the -- so,
14 she filed an eviction notice with the
15 Magistrate's Court, correct?

16 A: Correct.

17 Q: All right. Did you have a fear -- a hearing in
18 front of the Magistrate?

19 A: We -- we had a hearing scheduled and at that
20 point, prior to the hearing, we tried to
21 mediate it with Captain Tapler.

22 Q: That -- that's fine for that.

23 A: Okay.

24 Q: Who was at the Magistrate's Court hearing?

25 A: Captain Tapler, multiple representatives for



1 the Richland County business license, my
2 landlord, my attorney and my landlord's
3 attorney.

4 Q: Okay. And so, why on -- what on earth was
5 Captain Tapler from the Sheriff's Office at
6 your eviction hearing, do you know?

7 A: He claimed to have two pages of ---

8 MR. MCCABE: Your Honor, objection to hearsay.

9 THE COURT: Captain Tapler. You got an exception?

10 MR. MAYBANK: It ---

11 THE COURT: He's testifying to what Captain Tapler
12 said.

13 MR. MAYBANK: Right. They are the real party of
14 interest here.

15 MR. MCCABE: Your Honor, it ---

16 MR. MAYBANK: They -- they might as well be the --
17 the Plaintiff in a civil litigation. I mean --
18 -

19 THE COURT: Well, he kept calling them client. I --
20 I agree with -- I don't get that, but I -- I --
21 the bottom line is they are not -- I mean, I
22 get -- you may feel that the real party
23 interest, but the --- the Department of Revenue
24 is the -- has brought this action, Mr. Maybank
25 and they're just simply witnesses. Unless, you



1 -- you could enlighten me legally on that, I --
2 I'll be glad to rule in a different fashion.
3 But I ---

4 **MR. MAYBANK:** Well, all I ask him, Your Honor, was
5 why was Captain Tapler there at his eviction
6 hearing.

7 **THE COURT:** But he -- that's -- he's speculating to
8 -- he -- he would either have to speculate to
9 that or say what Captain Tapler said, would he
10 not? That's why.

11 **MR. MAYBANK:** Okay.

12 Q: So, the business license officer for the county
13 was also there?

14 A: Correct.

15 Q: Was your business license at issue in any
16 regard?

17 A: No.

18 Q: Okay. Was anybody from the Department of
19 Revenue there?

20 A: No.

21 Q: All right. So, you say you didn't have a -- an
22 eviction hearing really? Who -- so, the
23 eviction is still pending?

24 A: Correct.

25 Q: All right. So, you have had the mediation?



1 A: No.

2 Q: All right. So, let's turn to and we'll get
3 back to the all the times that the -- the
4 Sheriff's Department was there, but let's get
5 back -- do you have -- do you have tenants
6 yourself?

7 A: In other locations?

8 Q: Right.

9 A: Yes. I do.

10 Q: Okay. So, have you subleased property that --
11 to tenants that you -- at other locations?

12 A: Yes. Two different locations.

13 Q: All right. And of course, do you sub -- you
14 haven't bought those properties, you sub-leased
15 them yourself?

16 A: I have a -- I have a handshake agreement with
17 both owners of both properties to buy the
18 buildings once licenses are obtained.

19 Q: Okay. But today, you're ---

20 A: But -- but current -- but currently, I am just
21 a -- a subleasee.

22 Q: Right.

23 A: Leaser. I guess.

24 Q: You're -- you're a tenant, I suppose.

25 A: Right.



1 Q: All right. Are you attempting to sublease
2 those two -- are there two spaces, correct?
3 A: Correct. I have -- I have subleased them both.
4 Q: All right. And who have you subleased them to?
5 A: Kiara Nelson and Yina Bell.
6 Q: And what's the name of the -- of their
7 businesses?
8 A: Kiara Nelson is Westside Bar and Grill. And
9 Yina Bell is Vegas Nights.
10 Q: All right. And -- and so you're attempting to
11 sublease the places you leased to Westside Bar
12 and Grill and Vegas Night?
13 A: Correct.
14 Q: All right. And are those sub-tenants in --
15 related to you? Are they brothers, sisters,
16 siblings?
17 A: No.
18 Q: All right. And -- and Westside Bar and Grill
19 applied for an ABL permit?
20 A: Yes and been denied.
21 Q: All right. And why did the DOR refuse --
22 refuse to issue that?
23 A: Because the Lexington County Sheriff wrote a --
24 a -- a letter and filed a protest.
25 Q: So, the D -- the DOR has not issued that,



1 correct?

2 A: Correct.

3 Q: All right. Has Vegas Nights applied for a
4 retail sales tax license from the DOR?

5 A: Yes.

6 Q: And was it issued?

7 A: Finally. Yes.

8 Q: Okay. And when was it issued?

9 A: Yesterday.

10 Q: And how long had it been pending?

11 A: Over a week.

12 Q: All right. And -- over how long?

13 A: A week.

14 Q: All right. What -- are you sure that's just a
15 week or is it ---

16 A: Well ---

17 Q: --- six months?

18 A: --- we haven't -- we have not -- the -- we have
19 not received the Richland County business
20 license. We've been trying to ---

21 Q: Oh, okay.

22 A: --- get that for five months.

23 Q: All right. And so, they applied five months
24 ago to Richland County business license?

25 A: Correct.



1 Q: All right. And -- and it -- has it been
2 issued?

3 A: No.

4 Q: All right. All right. And so, let's turn to
5 then -- and if they said, I -- I've never heard
6 of anybody not issuing a business license.
7 Have they said why they haven't issued it?

8 A: No valid reason.

9 Q: Okay. All right. Let's turn to then, the
10 number of times Richland County Sheriff's
11 Office has directly been there and the number
12 of times they have directed others to go.

13 **MR. MCCABE:** So -- but before he's get started, I'm
14 just going to -- any -- unless Mr. Oliver is
15 going to testify to what he personally
16 observed, then I -- I'm just going to go ahead
17 and object right now. That way I don't have to
18 keep getting up and down.

19 **THE COURT:** Well, you can't make a speaking
20 objection ---

21 **MR. MCCABE:** Well, I -- I understand that. I'm just
22 letting the Court know.

23 Q: All right. So, you go down to your
24 establishment almost -- almost every day, don't
25 you?



1 A: Not every day, but I'm -- I'm down there two to
2 three times a week.

3 **MR. MAYBANK:** I apologize. It's taken me a second
4 longer to find it than I thought.

5 Q: All right. When did you have your reopening of
6 your establishment?

7 A: End of October.

8 Q: All right. Of 2020?

9 A: Correct.

10 Q: All right. Did SLED attend that?

11 A: Yes.

12 Q: Did they write any tickets?

13 A: No.

14 Q: All right. Did the Richland County Community
15 Action Team come?

16 A: They came mid-November.

17 Q: Okay. And did they write any tickets?

18 Q: All right.

19 **MR. MCCABE:** Your Honor, was he personally -- I mean
20 ---

21 A: I've seen it.

22 **THE COURT:** He can testify to his own knowledge.

23 **MR. MCCABE:** Well, at that's what I -- I want to
24 make sure that was an incident that he
25 witnessed.



1 A: I -- I've -- I've seen the video. Yes.

2 MR. MAYBANK: And certainly, he would know no

3 tickets were issue.

4 A: No.

5 Q: All right. On November 18th, 2020, did

6 Richland County Sheriff's Department Tactical

7 Action Team enter your restaurant?

8 A: Yes.

9 Q: How many officers?

10 A: At least six.

11 Q: All right. And -- and what did they -- why did

12 they enter?

13 A: To check the validity of a business license.

14 Q: All right. Did they find any violation of your

15 business license?

16 A: No.

17 Q: They issue any violations or issue any tickets.

18 A: No.

19 Q: All right. And November 19th, 2020, did the

20 Sheriff's Office return?

21 A: Yes.

22 Q: And -- and how did they return? What did they

23 do?

24 A: There's been so many cases of them showing up.

25 I'm not going to speak directly on what they



1 did. I -- I think ---

2 Q: But they didn't issue any tickets or
3 violations?

4 A: No. Richland County Sheriff's Department has
5 never issued any tickets or violations to my
6 business.

7 Q: All right. On December 2nd, 2020, did the
8 Sheriff's Office come?

9 A: Yes.

10 Q: All right. And -- and did they write any
11 tickets or violations?

12 A: No.

13 Q: All right. How about on December 6th, did they
14 come?

15 A: Yes.

16 Q: All right. Did they write any tick- -- write
17 your restaurant any tickets or find any
18 violations?

19 A: No.

20 Q: All right. On December 31st, 2020, did the
21 Fire Department come?

22 A: Yes.

23 Q: All right. And -- and did the Sheriff's
24 Department come too?

25 A: Yes.



1 Q: All right.

2 A: They actually got there before the fire
3 department did.

4 Q: All right. And did they say -- did the fire
5 department say why they came?

6 A: Fire alarm.

7 **MR. MCCABE:** Your Honor.

8 **THE COURT:** It's an out of court statement. Did the
9 Fire Department say why they came?

10 **MR. MAYBANK:** Okay.

11 **THE COURT:** What's the exception?

12 Q: All right. Well, do you understand? Do you
13 understand why the Fire Department came?

14 A: No.

15 Q: Okay. And so, were -- were there any fire
16 alarms pulled?

17 A: No.

18 Q: Did you check with your landlord?

19 A: Yes.

20 Q: And so there was no -- and there was a central
21 fire alarm system at the ---

22 A: Correct.

23 Q: And -- and no fire alarm was pulled?

24 A: Correct.

25 Q: And how many fire trucks came?



- 1 A: Two.
- 2 Q: All right. And -- and -- and the Sheriff's
- 3 Office came as well?
- 4 A: Correct.
- 5 Q: And no write -- didn't write anybody any
- 6 tickets?
- 7 A: Nope.
- 8 Q: They didn't find any violations?
- 9 A: No.
- 10 Q: All right. On January 23rd, 2021, did the
- 11 Sheriff's Department come again?
- 12 A: Say the date again.
- 13 Q: January 23rd, 2021.
- 14 A: Yes.
- 15 Q: All right. And they parked in Rush's parking
- 16 lot?
- 17 A: Yes.
- 18 Q: All right. Did they write you any tickets?
- 19 A: No.
- 20 Q: Did they any violations?
- 21 A: No.
- 22 Q: On February 6th, did the Sheriff's Department
- 23 come again?
- 24 A: Yes.
- 25 Q: Did they write you any tickets?



1 A: No.

2 Q: Find any violations?

3 A: No.

4 Q: All right. On February 11th, 2021, the

5 Sheriff's Office come back?

6 A: Yes.

7 Q: All right. And did they find any violations?

8 A: No.

9 Q: Write you any tickets?

10 A: No.

11 Q: All right. We briefly said that on February

12 11th, were you told Sheriff's Department

13 regarding closure of your restaurant?

14 A: Yes.

15 Q: And what did they -- and what did they tell

16 you?

17 A: That I needed to be closed at 12:00.

18 **MR. MCCABE:** Your Honor, I would -- I would raise an

19 objection and I would ask anything regarding

20 February 11th stricken from the record.

21 Testimony has indicated that Mr. Oliver was not

22 present on the 11th, so -- as a matter of fact,

23 Chris Sullivan when -- Chris Sullivan was the

24 person that was contacted at the location.

25 There's been testimony that Mr. -- Mr. Oliver



1 was not present on the 11th. So, I don't see
2 how he has any personal knowledge of what
3 occurred on the 11th ---

4 A: I ---

5 **MR. MCCABE:** I have questions about the other dates
6 that we'll get to in cross, but the 11th we
7 know he wasn't there.

8 **THE COURT:** Mr. Maybank.

9 **MR. MAYBANK:** All right. I'll -- I'll move on then.
10 And we -- we can stay just long as he wants.
11 I'll go over this entire thing with Chris
12 Sullivan if that's what he wants ---

13 **MR. MCCABE:** Your -- Your Honor ---

14 **MR. MAYBANK:** We could be out of here two hours
15 early. These are all non-controversial
16 matters, but if that's what you want, I -- I --
17 -

18 **MR. MCCABE:** Your Honor, I don't believe this is
19 appropriate. I believe that ---

20 **THE COURT:** I ---

21 **MR. MCCABE:** --- I have every right to be able to
22 raise objection.

23 **THE COURT:** Yeah. Mr. -- Mr. Maybank, he's got a
24 right to objection.

25 **MR. MAYBANK:** I stand corrected. Thank you.



1 Q: All right. Let's go over the Richland County
2 surveillance van. Have you personally witness
3 a Richland County surveillance van parked at
4 your establishment?

5 A: Yes. And it's actually a trailer, not a van.

6 Q: Okay. A van.

7 A: Uh-huh.

8 Q: All right. And how long has it been there?

9 A: Over three months.

10 Q: All right. And where it is parked?

11 A: It -- it is parked in between us and the Rush's
12 on the grass stripping -- strip there that is
13 the shopping -- edge of the shopping center on
14 Rushmore.

15 MR. MAYBANK: Can you show us that, Andrew, where
16 he's referring to?

17 MR. SALEEBY: What I'm pointing out? I'm sorry.

18 MR. MAYBANK: That -- where the surveillance van was
19 parked.

20 MR. SALEEBY: Jack?

21 A: Okay. To the left. To the left. Up. Up.
22 Yep. Right there in that grassy --- grassy
23 area.

24 THE COURT: You can touch the screen, if you want to
25 ---



1 A: Oh. I'm sorry. You can see me.

2 MR. SALEEBY: Oh, can you?

3 CLERK: Yeah.

4 A: Right there on the grass.

5 THE COURT: Right.

6 CLERK: You can write on it. On the side. On the

7 screen. It should bring up a menu for you to

8 write on it.

9 THE COURT: Well, then, you know what, that may be

10 what they're having to fix.

11 CLERK: We all have an issue though.

12 MR. MAYBANK: Okay.

13 THE COURT: All right. Go ahead and point me.

14 A: The grassy -- the grassy area on Rushmore at

15 the edge of the shopping center. Right. Right

16 there where his pen is. It's been there for

17 over three months.

18 Q: All right. And so, they -- and it is obviously

19 in a position to videotape the entire exterior?

20 A: There's cameras all around it or all over it

21 actually.

22 Q: Okay. And how do you know that it's a

23 surveillance van?

24 A: It say Richland County Sheriff's Department

25 surveillance trailer.



1 Q: Okay. So, it was there for the May 2nd and
2 allegedly May 8th shooting?

3 A: Correct.

4 Q: All right. So, it was in a position to video
5 the May 2nd shooting and the -- the May 8th
6 when the victim was leaving he restaurant,
7 correct?

8 A: Correct.

9 Q: All right. Is the Sheriff's Department showed
10 you any of those videos and on those dates and
11 asked your input on what the video showed?

12 A: From the trailer, no.

13 Q: Okay. Have they done it a single time?

14 A: No.

15 Q: All right.

16 **MR. MAYBANK:** Your Honor, with the February 11th
17 incident, the incident report says that, I
18 informed that the ---

19 **THE COURT:** Well he can testify, if you can lay the
20 ground work, but he has personal knowledge.

21 A: Uh-huh.

22 **THE COURT:** I -- I don't care for him to be
23 skirting, you know.

24 **MR. MAYBANK:** Uh-huh. I think -- I think we will go
25 ahead then and I'll -- I have a substantial



1 more testimony we've not got out, but I will
2 save it for Mr. Chris Sullivan. So, I don't
3 think I have any more. Let me very quickly
4 check my notes. And I -- that's all the
5 questions we have for this witness, Your Honor.

6 **THE COURT:** All right. Mr. McCabe.

7 **MR. MCCABE:** Yes. Just a couple of questions, Your
8 Honor.

9 **MR. OLIVER - CROSS-EXAMINATION BY MR. MCCABE:**

10 Q: Mr. Oliver, what type of food does your
11 business serve?

12 A: Wing, hamburgers, french fries, fried shrimp.
13 Basically a -- it's basically a -- a bar menu
14 style menu is what I would call it.

15 Q: Okay. Do you eat there?

16 A: I do.

17 Q: Okay. So, you testified that security pats
18 down every person; is that correct?

19 A: They're supposed to pat down every person.
20 Yes.

21 Q: So, it's possible that they don't pat down ---

22 A: Sure.

23 Q: Okay. You testified that -- that the May 1st
24 shooting you -- employees called the police; is
25 that correct? When you testified that --



1 weren't police already on the scene
2 investigating a prior shooting that evening?

3 A: Yes. They were. The event center had a
4 shooting in the Rush's parking lot and at least
5 four, if not six, Richland County deputies were
6 in the perimeter of my restaurant. My
7 restaurant had already closed because the crowd
8 was unruly and getting of hand. One of my
9 security guards had actually just returned from
10 asking the Sheriff's Department to come over
11 and disperse the crowd when my security was
12 shot by a patron of the event center.

13 Q: Okay. So, your testimony is your security
14 guard went to the Sheriff. Why did he go to
15 the Sheriff again?

16 A: Because the crowd from the event center was
17 completely out of control in the parking lot.

18 Q: So -- so, it's your testimony that the crowd
19 was out of control and that you -- is it your
20 testimony that your security could not handle
21 it?

22 A: As far as what?

23 Q: Well, you -- your ---

24 A: Yes. There was -- yeah. There was over three
25 to four hundred people that dumped into the



1 parking lot. My security is not set up to
2 handle, you know, a concert crowd. We're a
3 restaurant.

4 Q: Okay.

5 A: Okay.

6 Q: Do you have any evidence of these -- you
7 testified to all these -- these fake 911 calls.
8 Do you have any evidence of that? I mean,
9 there's usually reports that are -- are
10 generated for fake 911 calls. You have any
11 evidence?

12 A: As far as -- well, I mean, deputies showing up
13 to my restaurant and saying that they obviously
14 knew it was fake.

15 Q: Well, you -- you testified that you had reached
16 out to Richland County to discuss these --
17 these phone calls. Do you have any evidence of
18 that? Emails anything?

19 A: I do. I emailed the Sheriff.

20 Q: Do -- do you have those present?

21 A: No.

22 Q: Do you -- no.

23 A: I could -- I mean, I can pull it up.

24 Q: Well, no. That's -- if you don't have it, that
25 -- that's fine.



1 A: Okay.

2 Q: Let's talk about Chris Sullivan for a second.
3 What -- what his role? I -- I knew ---

4 A: Chris Sullivan is my promotions manager and
5 consultant.

6 Q: Good. Because it -- it's funny. You testified
7 in front of this court, in front of this judge
8 back in January that Chris Sullivan is no a
9 longer a manager. Do you remember that?

10 A: Yeah. He -- when -- when I initially ---

11 **MR. MAYBANK:** Your Honor, I'll object. This ---

12 A: No. No. No. I'd like to answer.

13 **MR. MAYBANK:** --- do with our testimony in January
14 has nothing to do with today. We'll be here
15 all night if we try and relive that.

16 **THE COURT:** Well, he can impeach somebody on a prior
17 statement. This -- that certainly is
18 acceptable.

19 A: It's ---

20 **MR. MAYBANK:** I just refer to relevance.

21 **THE COURT:** Okay.

22 A: On my initial alcohol app- -- alcohol license,
23 not my application, but because I was changing
24 -- I had fired the previous manager within the
25 -- well, when we first opened up, I had Chris



1 Sullivan as the manager on the alcohol license.
2 Okay? So, at -- after two to three weeks, I
3 made the decision that he would be better
4 served to be my promotions manager. So, I
5 removed him from the manager on the alcohol
6 license through ABL and made him my promotions
7 manager. So, yes. He was one manager over
8 here. He's now a manager over here. So, that
9 -- that is -- that is where you get that from.
10 And that can be verified with ---

11 Q: I just ---

12 A: --- with ALB.

13 Q: So, let me ask you this; Sheriff shows up, asks
14 to speak to a manager, there's no manager on
15 the premises. They're directed to speak to Mr.
16 Sullivan. Does Mr. Sullivan operating in that
17 capacity have day to day operational control?

18 A: No.

19 Q: So, who's in control of the premises then?

20 A: The manager inside.

21 Q: Well, the Sheriff asked to speak to the
22 manager.

23 A: Right.

24 Q: There -- they were told no manager was on the
25 premises.



1 A: Right.

2 Q: So, who has control?

3 A: The manager has control. She is allowed to the
4 bathroom, to the store to pick up supplies,
5 etcetera. There's nothing -- there's nothing
6 illegal about the manager leaving the
7 establishment.

8 MR. MCCABE: Your Honor ---

9 MR. MAYBANK: Your Honor, I would object. This case
10 has got nothing to do with control or license.
11 It's whether we should be evicted having too
12 many alcohol -- I mean, having too many violent
13 incidents.

14 THE COURT: What's ---

15 MR. MAYBANK: Control has nothing to do with this
16 case.

17 THE COURT: What's that got to do with this?

18 MR. MCCABE: Your Honor, someone showing compliance
19 with all of the requirements of the ABL
20 licensing in -- including having a manager on
21 duty, including naming the appropriate manager,
22 is relevant into whether the operation with --
23 within the capacity of the law. And I think
24 it's something that should be considered when
25 looking at the suitability of an -- of an



1 establishment.

2 **THE COURT:** You've got a line latitude on cross.
3 I'm going to let him go into it, Mr. Maybank.
4 I gave line latitude to you.

5 **MR. MAYBANK:** Yeah. I -- I agree. If it had
6 anything to do whatsoever with questions I've
7 asked. I totally agree.

8 **THE COURT:** Well, he said he's going into -- in --
9 that shows whether someone apt to comply with
10 the law and I -- I -- that it -- that would be
11 an issue for me to evaluate it and -- in
12 determining this especially in determining the
13 credibility of the witness. So, I'll -- I'll
14 allow him to go into it. Wait a second. Do
15 y'all need to make a ---

16 **MR. SALEEBY:** We are onto -- I'll just reiterate
17 that it wasn't included in the Department's
18 notice of intent to suspend that there were any
19 questions about who the proper manager of the
20 establishment was.

21 **THE COURT:** All right.

22 **MR. SALEEBY:** Your Honor, it -- it's ---

23 **THE COURT:** I'm still -- I'm still let him go into
24 it.

25 **MR. MCCABE:** Yes, sir, Your Honor.



1 **THE COURT:** A good point, but it's not going to
2 convince me on the rule -- ruling on the
3 evidence.

4 Q: So, if the manager is not on duty, not in the
5 building, who has control of the operation?

6 A: The assistant manager, whoever -- whoever is
7 the next in he hierarchy there.

8 Q: All right. And who would that have been on
9 that nights?

10 A: That night, I'm not going to answer the
11 question because I don't know.

12 Q: Okay. So, you -- you don't know who was in
13 charge?

14 A: When that incident went down, I do not know who
15 the assistant manager on duty was.

16 Q: Well, there were two incidents.

17 A: Okay.

18 Q: So, on those two nights, you don't know who was
19 in charge?

20 A: Which other incident are you referring to?

21 Q: Well, there were two that Corporal Hawkes
22 testified to.

23 A: Uh-huh.

24 Q: Both of those incidents when he asked for a
25 manager, there was no manager on duty and he



1 spoke to Mr. Sullivan?

2 A: Right.

3 Q: So, I'm just asking on those two evenings, you
4 said that you're not going to testify as to
5 what you don't know. You don't know who the
6 manager -- the assistant manager was at that --
7 that time?

8 A: At that time, no. I do not know.

9 Q: Okay. You testified about the Sheriff showing
10 up to your establishment on December 6th, 2020.
11 Were you present at that time?

12 A: No. Huh-uh.

13 Q: No?

14 A: No.

15 **MR. MCCABE:** Your Honor, I would ask that any
16 statements regarding December 6th be struck
17 from the record as he has just testified he did
18 not have personal knowledge of the -- the
19 events of December 6th.

20 **THE COURT:** Did he testify? I don't know that ---

21 **MR. MCCABE:** Yeah. Yeah. He did, Your Honor.

22 **THE COURT:** Mr. Maybank.

23 **MR. MAYBANK:** And what was December 6th, I forget?

24 **MR. MCCABE:** You asked him about if the Sheriff
25 responded and if he issued tickets and he's



1 testified that he wasn't present, so he does
2 not have personal knowledge.

3 **MR. MAYBANK:** He -- he is -- as the owner of the
4 establishment, he'd obviously know if tickets
5 had been issued.

6 **THE COURT:** Well, if -- as -- as an owner of the
7 establishment, would he not receive the tickets
8 that they would be given to -- or he would be
9 responsible for them, wouldn't he?

10 **MR. MCCABE:** Well, he's testified that they showed
11 up, but he wasn't there. So, we don't know
12 that they showed up. That's what I'm saying.
13 We have no evidence that -- that they were even
14 there. This is just his testimony.

15 **THE COURT:** Oh, so you're object -- you're -- you're
16 ask that it be stricken that the police
17 officers showed up?

18 **MR. MCCABE:** Correct. Because we have no evidence
19 of that. He -- he's admitted he wasn't there.

20 **THE COURT:** Mr. Maybank, I'm -- he said that they
21 showed up. If he wasn't there, how can he
22 testify they showed up? That's -- that's his
23 objection.

24 **MR. MAYBANK:** Well, he -- he -- his -- his office
25 keeps him in the loop on that and he hears from



1 the Sheriff's Department from time to time.

2 And mainly, it would come from his employees.

3 **THE COURT:** Okay. I ---

4 A: And video.

5 **THE COURT:** Woah. Woah. Woah.

6 A: Sorry.

7 **THE COURT:** I'm just going to -- I'm going you to
8 allow cross-examine on that.

9 **MR. MCCABE:** Okay.

10 **THE COURT:** It -- and let me explain.

11 **MR. MCCABE:** Yes, sir.

12 **THE COURT:** You didn't make an objection and ask
13 that the case be -- or that the testimony be
14 stricken at the time. The rules of evidence
15 require that it be a timely objection ---

16 **MR. MCCABE:** Objection. Thank you.

17 **THE COURT:** --- or a motion to strike timely.

18 **MR. MCCABE:** Yes, sir.

19 **THE COURT:** This does go to the credibility though.

20 **MR. MCCABE:** And -- all right. Thank you, Your
21 Honor.

22 **THE COURT:** Of his -- of his state -- of his
23 testimony.

24 **MR. MCCABE:** Okay. Thank you for -- for explaining
25 that. I appreciate it.



1 Q: Were you present on December 31st when there
2 was the New Year's event?

3 A: No.

4 Q: All right. Were you present on January 23rd?

5 A: No.

6 Q: Were you present on February 6th?

7 A: No.

8 Q: All right. So, those dates you were not
9 present, but you testified as to the police
10 showing at your location?

11 A: Correct.

12 Q: All right.

13 MR. MCCABE: No further questions, Your Honor.

14 THE COURT: Okay. Redirect?

15 MR. MAYBANK: I don't believe we have any further
16 questions, Your Honor.

17 THE COURT: You may step down. Are we good, y'all,
18 or do we need to take a break?

19 MR. MAYBANK: We will call Chris ---

20 THE COURT: Hand on. We're going to take ---

21 MR. MAYBANK: Yeah.

22 THE COURT: --- just a five-minute break.

23 (Off the record from 4:26 p.m. until 4:33 p.m.)

24 THE COURT: Y'all be seated and proceed. Proceed.

25 MR. MAYBANK: Thank you. It's going to take me one



1 second, Your Honor, to get this -- my notes
2 together here. All right, Your Honor. We call
3 our next witness, Mr. Chris Sullivan.

4 **COURT REPORTER:** Sir, do you solemnly swear the
5 following testimony to be the truth, the whole
6 truth, and nothing but the truth, so help you
7 God?

8 **MR. SULLIVAN:** I do.

9 **COURT REPORTER:** Thank you.

10 **CHRISTOPHER A. SULLIVAN,** having been duly sworn,
11 testifies as follows:

12 **MR. SULLIVAN - DIRECT EXAMINATION BY MR. MAYBANK:**

13 Q: All right. If you'll give your full name and
14 -- for the Court.

15 A: Yes. Christopher A. Sullivan.

16 Q: And what is your relationship with the Hookah
17 Bar and Grill, what ---

18 A: Handling all promotions, public affairs, as
19 well as advertisement, marketing for the lounge
20 ---

21 Q: Okay. So, tell us what you do just very
22 briefly because we're not here today to discuss
23 marketing at all. But just tell us a little
24 bit about what you do day to day for them.

25 A: Yeah. Pretty much, I handle any interactions



1 with government or media or staff.

2 Q: Okay.

3 **MR. MAYBANK:** And I apologize. Because of the
4 objections and I'm having to kind of reorganize
5 things here. Just hang on just one second.

6 Q: All right. We're going to start by going over
7 what we tried to go over earlier, but with all
8 of the objections, we're going to have to sort
9 of start back over at -- and that is the -- the
10 number of times the Sheriff's Office has come
11 by your -- come by Aqua Pina, the Hookah
12 Lounge, and so what are your -- actually, your
13 hours?

14 A: From 8:00 p.m. to approximately 4:00 a.m.,
15 Sunday through Thursday. Fridays and Saturdays
16 to about 5:00 a.m.

17 Q: Okay. And how long have you been doing that?

18 A: Ever since Mr. Oliver fired his last management
19 team, pretty much had me come in and monitor
20 his new -- new manager and make sure that his
21 facility was not harassed and running in the
22 most efficient manner.

23 Q: All right. And so, that would've been in
24 October of 2021?

25 A: Yes, sir.



1 Q: Okay. And so, I'm going to over this at rocket
2 speed then.

3 A: Okay.

4 Q: Did the rich -- Richland County Community
5 Action Team come in October?

6 A: Yes, sir. Approximately two weeks after we
7 opened.

8 Q: All right. And that was for what sort of
9 check? Why did they come in?

10 A: They were -- they stated they were doing a
11 compliance check and they might have been -- it
12 was either -- it was with -- it was either late
13 October or early November, but they stated that
14 they were doing a compliance check.

15 Q: Okay. And did they write any tickets?

16 A: No, sir.

17 Q: All right. Find any violations?

18 A: No, sir.

19 Q: All right. And one day did you discover a stop
20 work order on your door?

21 A: That was approximately two weeks after we
22 opened.

23 Q: And what did it relate to?

24 A: Pretty much it was a stop work order issued by
25 Richland County Sheriff's Department, but they



1 -- we actually caught them when -- about to
2 place it on our door, and then they stated it
3 was for the Hookah -- the Hookah -- well, the
4 After Hookah Lounge, which was another Hookah
5 Lounge that was in the shopping center previous
6 before us about two to three tenants down.

7 Q: Okay. Was that a video gaming shop?

8 A: Correct.

9 Q: All right. And they called themselves what?

10 A: It's the After Hookah or the Hookah, something
11 of that nature.

12 Q: Okay. And did the Sheriff's Department agree
13 the stop work order was on the wrong door?

14 A: Correct. Yes, sir.

15 Q: All right. And on November 6th, 2020, did SLED
16 return?

17 A: Yes. They stated that they conducted an
18 undercover ---

19 **MR. MCCABE:** Your Honor, he's -- he's testifying to
20 what SLED stated, which is hearsay.

21 **MR. MAYBANK:** Testifying to what?

22 **THE COURT:** He said that he's objecting as to the
23 hearsay of what SLED stated.

24 **MR. MAYBANK:** Okay. So, just ---

25 A: I was -- I was ---



1 Q: The question was only did -- was -- was SLED
2 there on November 6th, 2020?

3 A: Yes.

4 Q: All right. And were they in uniform or
5 undercover?

6 A: Undercover.

7 Q: All right. Did they write you any tickets?

8 A: No, sir.

9 Q: Did they find any violations?

10 A: Yes, sir.

11 Q: Okay. And which one -- which violation was
12 that, was that the curfew?

13 A: Yes, sir. Violation of the Governor's
14 executive order.

15 Q: Okay. All right. On November 18th, 2020, did
16 the Sheriff's Department Tactical Action Team
17 enter the restaurant?

18 A: Yeah. That's the -- the time that came that
19 they -- to do a compliance check.

20 Q: Okay. And so, what -- what licenses did they
21 check?

22 A: Well, to be honest with you, I -- I'm not sure
23 because when they arrived, I pretty much
24 requested to speak to a supervisor because of
25 the -- they couldn't explain why they were



1 there. I was informed of a -- someone who
2 wasn't the supervisor and when I pretty much
3 went to speak to that individual, they went
4 into the establishment.

5 Q: Okay.

6 A: They then were meeted (sic) by Kiara Nelson,
7 who's the manager of the establishment. Once
8 I realized what they did, I then reentered the
9 restaurant and pretty still trying to get
10 clarity of what was -- exactly was going on,
11 that's when their real supervisor come. I'm
12 pretty sure. His name was -- Roberts was his
13 last name. And he explained and told him what
14 they did and they were taking pictures of all
15 of our license at that time then.

16 Q: Okay. Did they write you any tickets?

17 A: No, sir.

18 Q: They find any violations?

19 A: No, sir.

20 Q: All right. And how about December 2nd, 2020;
21 did the Sheriff's Office began parking outside
22 of your restaurant?

23 A: Correct. Yeah. I -- that's when I started
24 conducting -- getting video evidence of --
25 because at this time, we knew we were being



1 targeted, so we started building a file of any
2 time they arrived, we would take -- we would
3 take video. They'll -- they'll come around the
4 times where our crowds will come and they'll
5 have their blue light on and park in our
6 parking lot, near the entrances or exits.

7 Q: Okay. And how many deputies did they send on
8 December 2nd?

9 A: I can't recall.

10 Q: Be more than three?

11 A: Either two to five. They would always have two
12 to five.

13 Q: All right. Did they write you any tickets?

14 A: No.

15 Q: Did they find any violations?

16 A: No, sir.

17 Q: All right. On December 6th, 2020, did the
18 Richland County Sheriff's Department arrive?

19 A: That was either in our parking lot or Rush's
20 parking lot.

21 Q: Okay. And did they write you any -- restaurant
22 any tickets?

23 A: No, sir.

24 Q: All right. Did they find any violations?

25 A: No, sir.



1 Q: All right. On New Year's Eve, December 31st,
2 2020, did the Fire Department come?

3 A: Yes, sir.

4 Q: All right. And did -- and do you know why they
5 came or why they purported to come?

6 A: Well, we knew exactly what was going on because
7 two Richland County deputies, with one being a
8 K9 unit, were sitting across in the Rush's
9 parking lot pointing towards our door.

10 Q: Uh-huh.

11 A: So, we knew something was going or was about to
12 go on. At this point, patterns had already been
13 established. We -- so, we monitor closely.
14 Next thing you know, approximately three to
15 five minutes later, no more than ten minutes
16 later, we hear a fire truck sound. At that
17 point, we all looked at each other. We already
18 knew that -- what was about to go on because
19 the Fire Department had already come out
20 previously stating that, you know, there was a
21 smoke detector that had went off.

22 MR. MCCABE: Your -- Your Honor, he once again is --
23 is testifying as to what was told by ---

24 A: No. I was -- I was there.

25 THE COURT: I was going to say, you can't respond to



1 objection.

2 A: Okay. I apologize. I apologize, Judge.

3 **THE COURT:** Mr. Maybank is more than qualified to do
4 that. He's objecting to his statement as to
5 what the fire department said.

6 **MR. MAYBANK:** Okay.

7 **THE COURT:** Any response?

8 **MR. MAYBANK:** Wait. He's just testifying what --
9 what he did and as law enforcement gave him
10 orders.

11 **THE COURT:** Well, he can testify to what he did.

12 **MR. MAYBANK:** Right.

13 **THE COURT:** He can't testify -- or what they said
14 unless you've got an objection to it.

15 **MR. MAYBANK:** Okay. All right. So ---

16 **THE COURT:** A response to it.

17 **MR. MAYBANK:** Right. So, will strike that part of -
18 - part of it then.

19 Q: And so, the Fire Department came and how many
20 -- how many fire trucks came?

21 A: At least two, plus the fire marshal, plus the
22 fire chief.

23 Q: Okay. So, fire chief himself came?

24 A: Yes, sir.

25 Q: All right. And then, the -- the Sheriff's



1 Department was there as well?

2 A: Yeah. Additional units arrived to the
3 location.

4 Q: And how many -- how many Sheriff's Department
5 trucks were there?

6 A: I know at least -- at least three, possibly
7 five.

8 Q: All right. And so, what time of day was that?

9 A: This was 30 minutes, no earlier than 10:30 and
10 I'm pretty sure it was 11:30 and they stayed
11 until about 1:00 o'clock.

12 Q: Okay. And so, had the fire alarm go off --
13 gone off?

14 A: No, sir.

15 Q: All right. And there was no smoke or anything
16 else to bring a Fire Department?

17 A: No, sir.

18 Q: All right. And obviously, that was rough on
19 your business, wasn't it?

20 A: Very rough.

21 Q: And I mean, you literally couldn't -- could you
22 pull into your parking lot with all the fire
23 trucks?

24 A: Not at that specific entrance. No.

25 Q: Okay. And -- all right. So, on January 23rd,



1 2021, did the Sheriff's Department come again?

2 A: If my memory recalls me correctly, yes.

3 Q: And did they park in the Rush's parking lot?

4 A: Yes. That's the time I think there was one or

5 two agents. Two -- one or two deputies by

6 themselves with their blue lights facing --

7 their car was parked sideways, but you could

8 tell they were looking at -- monitoring our

9 front door.

10 Q: All right. And did they arrest anyone?

11 A: No, sir.

12 Q: Did they issue any tickets?

13 A: No, sir.

14 Q: Find any violations?

15 A: No, sir.

16 Q: All right. On February 6th, 2021, did the

17 Sheriff's Department come into your -- into

18 your restaurant?

19 A: I can't recall that particular ---

20 Q: Was that the noise complaint?

21 A: Okay. That was the first noise complaint.

22 That's when the noise complaint started, where

23 the deputies arrived. I think it was Officer

24 Hawk, if I'm not mistaken. They stated that we

25 had a noise complaint, which we couldn't



1 understand because we pretty much monitored our
2 -- our noise, you know. It's not that loud.
3 So, ---

4 Q: Do you -- do you have bands?

5 A: Well, we had decimal readers where we -- after
6 this incident, where we started monitoring to
7 ensure that we were in compliance with Richland
8 County ordinance.

9 Q: But -- but y'all never hand bands anyway, did
10 you>?

11 A: Band? Oh, live bands?

12 Q: Right.

13 A: No, sir.

14 Q: Okay. It was just ---

15 A: D.J. and audio.

16 Q: D.J.s.

17 A: Yes, sir.

18 Q: All right. All right. And did they write you
19 any ticket for noise complaints or did they
20 just use that to come in the establishment?

21 A: No, sir. They did not write us any tickets.

22 Q: All right. On February 11th, 2021, did the
23 Sheriff's Office come back?

24 A: Well, if you can ---

25 Q: That was -- there were three deputies and the



1 K9 unit come back?

2 A: Oh. Yes, sir. Okay.

3 MR. MCCABE: Your Honor, he -- he's leading. He's
4 telling him who -- who was there and -- and on
5 what date.

6 A: I can ---

7 THE COURT: Once again, you can't respond.

8 MR. MAYBANK: I -- I am telling him the date because
9 that's the only date we're interested in.

10 MR. MCCABE: Your Honor, he just described how many
11 officers, a K9, I mean, he -- not only, he
12 didn't ask him about a specific date, he said,
13 do you remember this date, what these ----

14 MR. MAYBANK: Well, I did -- the -- we're only
15 interested in the dates where they showed up.
16 I mean, obviously, I got to give him the date.

17 THE COURT: I'm just -- that -- well, my law clerk
18 would probably tell me that's leading. I -- I
19 don't think it suggested the answer. I mean,
20 it was -- he did push it to a yes or no.

21 MR. MCCABE: Okay.

22 THE COURT: But on that one, I just don't know that
23 he was suggesting the answer.

24 MR. MCCABE: All right. Thank you, Your Honor.

25 MR. MAYBANK: Okay.



1 A: Yes. I can -- I can recall the date -- that
2 date. That was involving Officer Hawk. At
3 this time -- at this point, Officer Hawk, had
4 already been to our establishment multiple
5 times in which staff did not feel comfortable
6 dealing with him. So, I took the lead of
7 dealing with Officer Hawk whenever he arrived
8 at our establishment. He was met by security.
9 Security, at this point, they knew to come get
10 me anytime with dealing with law enforcement to
11 ensure that, you know, it -- everybody remained
12 safe and the proper dialogue between our
13 establishment and law enforcement. He stated
14 that we needed to be closed down ---

15 MR. MCCABE: Your Honor, once again, he's saying he
16 stated.

17 THE COURT: Which is ---

18 MR. MAYBANK: And Your Honor, they -- they are the
19 real party interest. So, I'd like to make
20 offer of proof. I think -- I think if -- if we
21 can't testify to what the Richland County
22 Sheriff's Department told us, when they're the
23 moving party ---

24 THE COURT: Well Officer Hawkes.

25 MR. MAYBANK: --- they're not the Plaintiff.



1 **THE COURT:** Right.

2 **MR. MAYBANK:** We ---

3 **THE COURT:** Well, but Officer Hawk, I see -- that
4 again, he testified here. Now, that takes back
5 to what I said earlier about when a -- when he
6 was -- a prior statement of a witness, who was
7 called to testify and subject to cross-
8 examination.

9 **MR. MCCABE:** Correct, Your Honor. But he's not
10 testifying to an inconsistent statement.

11 **THE COURT:** Well, that's ---

12 **MR. MAYBANK:** Well, you interrupted him before he
13 said one word. So, we don't know that.

14 **MR. MCCABE:** Your Honor, I believe that -- I mean,
15 your -- your own words that I need to make
16 proper and timely objections. So ---

17 **THE COURT:** Yeah.

18 **MR. MCCABE:** So, I mean ---

19 **THE COURT:** Are you asking him about a inconsistent
20 statement or ---

21 **MR. MAYBANK:** We were asking about the -- when they
22 came in on February 11th, 2021.

23 **THE COURT:** And what he -- and specifically, just
24 what he said, not ---

25 **MR. MAYBANK:** So -- so -- so, the Sheriff's Office



1 testified as to that exact date. Sergeant Hawk
2 testified to that visit there and he's
3 testifying ---

4 **THE COURT:** I don't think it meets Rule 8-0 -- 801,
5 but I'll let you off -- you can offer the
6 proof.

7 Q: Okay. So, go ahead and tell us what Sergeant
8 Hawk told you?

9 A: Yes. He told us that we need to be closed.
10 That we were not allowed to open. At that
11 point, I asked him why did he believe to be
12 such. He stated the executive order. And I
13 told him that executive order was not
14 effective. He stated that it was, that he
15 spoke to their legal counsel that previous
16 week. And that we need to close our doors.

17 Q: Okay.

18 A: At that time, I -- he -- you know, it was
19 uncomfortable situation because they were there
20 with three deputies.

21 **THE COURT:** All right. Have we moved beyond -- I'm
22 going to cut you off just for a second because
23 once you move beyond the offer of proof, then
24 I -- I want to let the -- let his testimony ---

25 **MR. MAYBANK:** Yeah. But he wasn't -- I don't think



1 he was testifying to what anybody told him.

2 **MR. MCCABE:** Your Honor ---

3 **THE COURT:** Woah. Woah. Woah. You ---

4 **MR. MCCABE:** I'm sorry.

5 **THE COURT:** The pointing making is that once we get
6 beyond the offer of proof, let's get back on
7 the record.

8 **MR. MAYBANK:** Right.

9 **THE COURT:** But -- so, that's what -- I want to
10 know, are we back on the record now?

11 **MR. MAYBANK:** I think we are.

12 **THE COURT:** Okay.

13 **MR. SALEEBY:** Your Honor, I believe what Mr.
14 Sullivan has testified to falls under the
15 hearsay exception for prior testimony given in
16 this proceeding. Corporal Hawk, I believe I'm
17 getting that right. Corporal Hawk testified
18 that he did tell the establishment or either
19 the person he spoke with at the establishment
20 that the Governor's executive order required
21 them to close down at 12:00 and then, admitted
22 that he was incorrect in that order during that
23 statement.

24 **THE COURT:** But is inconsistent ---

25 **MR. SALEEBY:** It's not inconsistent, but I think it



1 falls under the hearsay exception to former
2 testimony.

3 **THE COURT:** What -- you got the rule for me.

4 **MS. SALEEBY:** Yes, sir. It'd be in ---

5 **THE COURT:** Couldn't we just -- I don't want to
6 create an -- the objection ---

7 **MR. MCCABE:** They're fine, Your Honor. I'll
8 withdraw my objection.

9 **THE COURT:** The problem I had -- nobody wants to say
10 it. So, I'm going to just tell you how I think
11 the proper ruling here. It doesn't appear that
12 they're offering it for the truth of the matter
13 asserted. That would have been the proper
14 response. Nobody said, but I mean, he's done
15 an offer of proof, he wasn't offering it for
16 the truth of the matter asserted. He was
17 offering it for what -- what the officer said,
18 I think. But I'm not sure. But -- yeah.

19 **MR. MAYBANK:** The relevance is is that -- you know,
20 that this whole action is based upon, we've
21 been a huge burden to them. And so, the
22 relevance of all this is they've been there far
23 more than they have let on. The -- the burden
24 is on them that they ---

25 **THE COURT:** Former testimony, would you give me a --



1 a citing ---

2 **MR. SALEEBY:** Yes, sir, Your Honor. 804-B-1. And
3 although -- give his testimony given that this
4 same hearing.

5 **THE COURT:** Well, it says same proceeding. At
6 another hearing -- oh, of the same proceeding.

7 **MR. SALEEBY:** Right. Right.

8 **THE COURT:** Yeah. That's also the other -- that's
9 under 804 where the declarant is unavailable.
10 So, that's not the case here because he was
11 here. He was here. All right. Let's just
12 proceed. We're back on the record.

13 **Q:** All right. So, let's switch gears to -- to
14 security. There -- there's been, just quickly
15 because we got -- our final witness on
16 security, but do -- are you involved in
17 watching the security and directing security
18 from time to time?

19 **A:** Yes, sir. I monitor all aspects to report
20 directly to Mr. Jack Oliver.

21 **Q:** Okay. And so what are your -- what are your
22 instructions on security then?

23 **A:** Well, we have someone who runs our security.
24 The only thing I do is monitor and then, Jack
25 communicates with them. Then I march in and



1 make sure they do what -- just their -- Jack's
2 instructed them to do. But we have pretty much
3 to enter our facility, you know, we have either
4 two to three pat downs.

5 Q: And where do those pat downs occur?

6 A: Pretty much one outside or two outside,
7 depending if we're doing two or three. And
8 then one at the door -- inside the door, right
9 before you enter the door.

10 Q: Okay.

11 A: Or two outside, one be -- one before you enter
12 the restaurant.

13 Q: All right. And I'm going to down -- go over
14 the -- the shootings then. Let's switch gears
15 to those. The first one which we'll go over
16 pretty quickly. And I might quickly get into
17 -- I apologize for taking so long. Is the --
18 the fake 911 calls. I think you've probably
19 more intermittently involved with them. Tell
20 us about the fake 911 calls?

21 A: Well, the -- I've advised other night life
22 inventors in Columbia, so I'm pretty familiar
23 with them. It's a tactic that's used by
24 competitors to try to put an establishment in
25 -- paint the establishment in a bad -- in a bad



1 light. So, that's why we started video
2 recording when deputies arrived to assure that
3 we have it well documented that -- what the 911
4 calls were for did not exactly occur. So,
5 we've experienced quite frequent fake 911 calls
6 including three -- at least three noise
7 complaints, a shoot -- well, one to two
8 shootings inside, fight inside, a woman passed
9 out. We had even one after this -- after DOR
10 filed its motion where they said a woman was
11 passed out in the restaurant and EMS came and
12 we weren't even opened yet.

13 Q: Uh-huh.

14 A: Things all over. Yeah, so.

15 Q: Okay.

16 A: It's quite frequent.

17 Q: All right. And so, what -- what would the
18 Sheriff's Department typically do towards the
19 end when they -- when they got a -- a 911 call?
20 They would all -- I guess they check out every
21 one of them?

22 A: To my knowledge, they've checked out all of the
23 911 calls because they came quite frequently.
24 But they got to the point where you know the
25 deputies would state hey, I know -- I know this



1 didn't come, but had to pretty much come ---

2 **THE COURT:** I sustain the objection.

3 **MR. MAYBANK:** I'll back up and offer of proof. If
4 we can't testify as to what the real party of
5 interest ---

6 **THE COURT:** All right.

7 **MR. MAYBANK:** --- has told us. We'll make a quick
8 offer of proof. Go ahead and tell them.

9 A: Yes. It pretty much, they -- they'll say I --
10 I know it didn't occur, but I have to come to
11 come -- and then, they'll literally walk --
12 walk away. That happened at least two times
13 where I was present.

14 **MR. MAYBANK:** Okay. And that's the end of our offer
15 of proof.

16 **THE COURT:** Okay. There you go.

17 Q: All right. And so, on -- and you had a fake
18 fire one?

19 A: Well, fake fire alarm.

20 Q: Right.

21 A: Yeah.

22 Q: Okay.

23 A: Well, two. We had one in November, December.
24 One New Year's Eve and then, the fire
25 department came back in January, but that was,



1 they said due to a complaint.

2 Q: Okay. All right. So, let's turn to the fights
3 and we'll -- we'll start wrapping this up,
4 then. So, the first one to go over -- we only
5 relatively, briefly hit on it during the
6 Sheriff's Department testimony is the one on
7 February the 7th. And do you know what I'm
8 referring to on the February 7th shooting with
9 the two women?

10 A: Yes.

11 Q: Okay. So, tell us what -- what happened on
12 February 7th.

13 A: Yeah. Pretty much, it was an altercation part
14 ---

15 **MR. MCCABE:** Your Honor, there is no testimony about
16 a February 7th shooting. I -- I'm confused
17 here, with two women. I don't think -- one, I
18 don't believe Richland County testified as to
19 that. So, I just want to put that on the
20 record. I -- I don't know where that's coming
21 from.

22 **MR. MAYBANK:** I -- well, we'll -- we'll stipulate
23 there was no shooting on February 7th and be
24 done with that, then.

25 **THE COURT:** Okay.



1 **MR. MAYBANK:** Is that satisfactory?

2 **Q:** All right. So, let's turn ---

3 **THE COURT:** Unless you want to add -- add to their
4 list.

5 **Q:** All right. Let's turn to May 2nd. The May 2nd
6 shooting. And so, we had -- we had two -- two
7 shootings, just to kind of clear the -- or one
8 was when the security guard was shot. The
9 other one is where we denied the shooting took
10 -- ever took place. So, the May 2nd is the
11 security guard. Now, how did that incident
12 start?

13 **A:** Mayhem. It was chaos. The establishment next
14 -- next door is always under-secured and we
15 shared a parking lot with them. So, our
16 security ended up being the security for
17 everyone. There was multiple fights and
18 shootings, so the way the restaurant is set up,
19 we have a barrier to separate our establishment
20 from our neighbor's to ensure we control -- can
21 -- can control traffic.

22 **Q:** Let me interrupt you real quick.

23 **MR. MAYBANK:** Why don't we put that add back up?

24 **Q:** And you tell -- tell us was this -- this
25 advertisement for the rock -- rap concert we're



1 actually talking about? Okay.

2 A: Yes, sir.

3 Q: All right. So, continue on.

4 A: So, pretty much they had like at least two
5 fights where our barriers were breach. So,
6 that whole night we was on thin ice. And then,
7 they had a shooting. And ---

8 Q: And let me back up a little bit. So, what time
9 did that concert end?

10 A: Right before the shooting.

11 Q: Okay. Which would have been what time?

12 A: Approximately like 2:45, 3:00 o'clock.

13 Q: Okay. All right. So, and was there -- did you
14 have any real problems before the concert ended
15 or was it all when the concert ended?

16 A: I mean, we always keep -- get control of our
17 crowd because the way our entry -- our door
18 entry. You just can't walk up to our door.
19 You have to pretty much get in a -- get in a
20 line and what have you. but due to the
21 multiple fights, it was a little bit
22 disorganized. So, we made the decision to go
23 ahead and lock our front door. So, we didn't
24 kick the people from our -- from -- didn't kick
25 the people out that were inside the restaurant.



1 But we didn't let anybody else in. And we
2 locked the door and our armed security pretty
3 much stood in front of our door and told
4 people, hey, we're closed; you need to go home.

5 Q: Okay. And so, you -- did you have any barriers
6 from the crowds mingling?

7 A: They were all breach.

8 Q: Okay. Were ---

9 A: Yeah. That's one ---

10 Q: Were -- were there barriers?

11 A: Yes. That's one of the reasons why we went
12 ahead and stopped as well because we wasn't
13 able to properly identify who had been
14 searched, who had -- and at that point, we were
15 simply exhausted because the multiple fights
16 and the shooting that already occurred that
17 night.

18 Q: Okay. And where was there -- the shooting, did
19 it occur?

20 A: If I'm mis- -- well, I know that -- there's one
21 that happened in the Rush's parking lot, but
22 now, that I'm speaking, it might have been even
23 two shootings that night. But I know of at
24 least one occurred in the Rush's parking lot.

25 Q: All right. And was anybody hit or was it just



1 shooting in the air?

2 A: I -- I didn't see ambulance, so I'm assuming no
3 one was hit.

4 Q: Okay. All right. And -- so, was the police
5 there then?

6 A: Yes.

7 Q: Okay. Where were they?

8 A: They were in -- they were everywhere. But they
9 were strategically positioned in Rush's parking
10 lot.

11 Q: Okay. So, how many park -- how many police
12 cars were in Rush's?

13 A: At least two to four.

14 Q: Okay. And were there any in the -- in the
15 median of Bush River?

16 A: Broad River, yes.

17 Q: Broad River.

18 A: There was at least one, possibly two.

19 Q: All right. And did you ask them to come over
20 and help. Did you have any -- any conversations
21 with them?

22 A: Not myself. Not personally.

23 Q: Okay. All right. All right. So, tell us
24 about the shooting then.

25 A: Yeah. It was -- like I stated, the crowd --



1 because -- give you an inside of look of what
2 I'm doing when the restaurant -- when we're
3 pretty much opened. I'm monitoring the weak
4 spots to report to Jack.

5 Q: Right.

6 **MR. MCCABE:** Your Honor, I just want to make sure
7 that he has -- this is personal knowledge that
8 he's testify to. We don't know where he was
9 located. So, I'm not sure if he has personal
10 knowledge of the incidents that led to the
11 shooting. He may have been inside.

12 **THE COURT:** Well, rather than have Mr. Maybank lay
13 the groundwork, sir, you can only testify to
14 your personal knowledge.

15 A: Correct. That's what I'm -- yes, sir.

16 Q: Okay. You were there that night?

17 A: Yes, sir.

18 Q: Right.

19 A: With ---

20 Q: I -- I think I already established that. But
21 let's just to satisfy the Department, let's --
22 what time did you get to work that night?

23 A: Approximately midnight. No. Yeah. About
24 midnight. 11:30, midnight.

25 Q: Okay. And what time did you go home?



1 A: 7:00 -- 6:30, 7:00.

2 Q: Okay. So, you were there basically the entire
3 night?

4 A: Yes, sir.

5 Q: All right. And the area is not that large, is
6 it?

7 A: No, sir.

8 Q: Okay. And so, by definition, you weren't far
9 from the action, were you?

10 A: No, sir.

11 Q: All right. So, tell us then -- I've gotten
12 sidetracked here. All right. So, tell us
13 about the shooting, then.

14 A: Okay.

15 Q: And you've -- you've observed the video and you
16 were personally there to witness it, correct?

17 A: Yes, sir. I was canvassing the area because
18 like I stated, our front door was, you know,
19 pretty much chaotic. I had to identify
20 immediately where our weak spots were so that
21 I could pretty much have the manager move
22 security because we keep security -- armed
23 security in the back alley way as well to
24 prevent auto break-ins and to make sure people
25 don't try to sneak into our backdoor. So, I



1 had just went inside he facility because I was
2 standing in the front door around the security
3 agent that was pretty much shot. So, I pretty
4 much went inside to tell the manager to pretty
5 much move -- she needs to move two armed from
6 the back to the front because the front's out
7 of control. When I started walking back
8 towards the front door, that's when I -- you
9 know, heard the gunshots. When I got out the
10 door, that's when I saw Mr. Tim laying in -- in
11 the front door, you know, laid out with blood
12 coming from his -- from his head.

13 Q: Okay.

14 A: So, I was watching him from the front door.
15 That's when -- Mr. Ray was right there as well.

16 Q: And -- and did you ultimately find out who the
17 shooter was?

18 A: Yes. One of our employees did.

19 Q: Okay. And where -- where -- who was the
20 shooter?

21 A: I don't know the individual's name.

22 Q: His name. Right. But was he a rap singer?

23 A: Yes, sir.

24 Q: Okay. And was he singing that night at the
25 festival, at the concert?



1 A: I'm not sure if he was performing that night.
2 But I'm -- I know his associates were, so most
3 likely, yes, sir.
4 Q: Okay. And was he ever in your establishment?
5 A: Not to my knowledge.
6 Q: All right. And you had a video. You -- you
7 looked at the video. You never saw him?
8 A: Yeah. No.
9 Q: Okay. So, did the police department come over
10 after the shooting?
11 A: Yes, sir.
12 Q: All right. And so, did you pull the -- the --
13 did the staff get together on Sunday to look at
14 the video?
15 A: Yes, sir. The next day.
16 Q: Okay. And -- and did y'all inquire as to who
17 the shooter was?
18 A: Yes, sir, because, you know, Mr. Tim is like
19 family, so we took it as -- you know, it was --
20 you know, it hit home pretty much.
21 Q: Uh-huh. And -- and so, what exactly was -- did
22 -- did you say, tell everybody to look at the
23 video for example?
24 A: Well, two of our -- two to three of our
25 employees were outside right in the facility of



1 where it happened, so we asked, you know, did
2 y'all see anything and pretty much provided
3 them with the video evidence and they were
4 identified individually.

5 Q: Okay. So, did you actually -- actually get his
6 name?

7 A: Yeah. She found his FaceBook page.

8 Q: Okay. All right. And then, did you report
9 that to the Sheriff's Department?

10 A: I did not personally, but the -- Mr. Oliver
11 did.

12 Q: Okay. And did the Sheriff's Department come
13 and -- and -- and interview any of the -- any
14 of your employees regarding the shooting?

15 A: No, sir. I actually called them and spoke to
16 the investigator who spoke to me at the scene
17 and let him know that, hey, we had identified
18 the -- the shooter.

19 Q: Okay. All right. And did -- did they come --
20 at that point, did they come back and ask --
21 interview the staff?

22 A: No, sir.

23 Q: All right. Did they interview the security
24 guards?

25 A: Not to my knowledge.



1 Q: All right. And has the shooter resurfaced?

2 A: To my knowledge, he's still free.

3 Q: Right. I mean, did -- has he -- have y'all

4 seen or heard of him since?

5 A: Not at our establishment. No, sir.

6 Q: Right. Was he -- has he given -- continuing to

7 give rap concerts for example?

8 A: Yes, sir.

9 Q: Okay. And did -- did y'all alert the Sheriff's

10 Office he was playing at a rap concert?

11 A: I did not personally.

12 Q: Okay. All right. And -- all right. And --

13 and to this day, they haven't interviewed --

14 the Sheriff's Department has not interviewed

15 you about this shooting, correct?

16 A: They briefly interviewed me the night of the

17 incident. Asked me if I saw anything. At that

18 time, I didn't know anything, so.

19 Q: All right. Let's turn to the May 8th shooting

20 then.

21 A: Okay.

22 Q: So, the -- the Sheriff's Office filed this

23 action after the May 8th shooting. All right.

24 So, let's go over it just to -- to speed it up

25 a bit, the person who was -- who was shot, and



1 there's a big argument over where he's shot.
2 What time did he leave the club?
3 A: He left our club approximately at 3:05.
4 Q: Okay.
5 A: 3:15.
6 Q: And how do you know that?
7 A: Through the camera footage.
8 Q: All right. And what happened immediately prior
9 to him leaving?
10 A: It was some type of like hookah -- either a
11 hookah had broke or a beer bottle. It was --
12 to my knowledge. I was in the kitchen.
13 Q: Okay. So, it was a loud noise?
14 A: Yes. A commotion.
15 Q: All right. And so, what happened after -- what
16 did the crowd do after the -- the hookah fell
17 over or whatever?
18 A: Well, some people had ran out the door ---
19 **MR. MCCABE:** Your Honor, I
20 A: --- and then ---
21 **THE COURT:** One second.
22 **MR. MCCABE:** He -- he's leading. He said he wasn't
23 sure what happened it was loud noise. Mr.
24 Maybank said what happened after the hookah
25 fell over, so he's leading the witness at this



1 point.

2 **MR. MAYBANK:** All right. I'll -- I'll back up, Your
3 Honor.

4 **THE COURT:** All right.

5 Q: All right. So, there was a loud noise,
6 correct?

7 A: Yeah. So, I came from behind the kitchen to
8 immediately identify what was going on.

9 Q: Okay. And what did you identify had made the
10 noise?

11 A: It was actually a hookah that had ---

12 Q: Okay.

13 A: --- broke. One of our large hookahs.

14 Q: And -- and how -- how big is -- just with your
15 hands, how big is a hookah?

16 A: The normal hookahs are about this size, but we
17 had like large (indicating) ---

18 **THE COURT:** I can't see your bottom hand.

19 A: Oh. I'm sorry. Normal hookahs about that
20 size, but the large hookahs are that -- that
21 size.

22 Q: Okay.

23 A: Well, really it's bigger than that.

24 **THE COURT:** It's about -- over two feet?

25 A: Yes, sir.



1 Q: And roughly, how much do they weigh?

2 A: Oh, I can't ...

3 Q: All right. Okay. All right. And so -- so
4 what happened with the hookah hit the ground,
5 just to kind of repeat, get us back on track?

6 A: Well, when I came from behind the kitchen,
7 people were -- some people were confused and
8 some people were running and some people were
9 still standing. And the reason why I was a
10 little bit confused is because we don't rent
11 out the big hookahs as much. We usually do the
12 normal hookahs and they fall, but they don't
13 make as much of a loud noise. Then, after
14 that, people started to return and we continued
15 on with the night. Well, we cleaned -- cleaned
16 up the broken hookah and continued on with the
17 night.

18 Q: All right. Did any of your -- did you ever
19 hear any shots at the club that night?

20 A: No, sir.

21 Q: Okay. Did any of your staff hear any shots?

22 A: Not to my knowledge.

23 **MR. MCCABE:** Your Honor, I don't believe he can
24 speak as to what his staff heard.

25 **THE COURT:** I sustain that objection.



- 1 **MR. MAYBANK:** Well, he's -- he's a manager of the
2 club. If his employees -- not manager of the
3 club, but he's got a bunch of people there
4 listening for the noise. I'm not sure what's
5 hearsay exception that falls under, but the
6 response -- but anyway, we'll move -- move on.
- 7 **Q:** All right. So, what happened next then? The
8 hookah fell, he left, what -- what happened
9 next?
- 10 **A:** People started to come back in and he --
11 everything continued to go as normal.
- 12 **Q:** Okay. And when did you hear from the Sheriff's
13 Department?
- 14 **A:** The next day with a search warrant. I pretty
15 much monitored the cameras and so, I pretty
16 much went to the hookah because there was high
17 police presence and that's when they presented
18 me with a search warrant to check for shell
19 cases, blood, and video evidence.
- 20 **Q:** Okay. And when did -- when did the affidavit
21 say he was went into the hospital?
- 22 **A:** If I'm mistaken, it was 4:50, 4:55.
- 23 **Q:** Okay. So, he -- and what time did he leave
24 your establishment?
- 25 **A:** About 3:05, 3:15.



1 Q: All right. And so, the Sheriff's Department
2 came and did an investigation of the shooting?
3 A: Yes, sir.
4 Q: It was at least two investigators and about two
5 to two for other deputies.
6 Q: All right. And so, they searched for -- did
7 they search for blood?
8 A: Yes, sir.
9 Q: Did they find any?
10 A: No, sir.
11 Q: Did they search for shell casings?
12 A: Yes, sir.
13 Q: Did they find any?
14 A: No, sir.
15 Q: Did they search for bullet holes?
16 A: Yes, sir.
17 Q: Did they find any?
18 A: No, sir.
19 Q: All right. And they reviewed your video?
20 A: Yes, sir.
21 Q: And was it multiple videos or just one video?
22 A: Multiple videos.
23 Q: All right. And did they see shooting on the
24 multiple videos?
25 A: No, sir.



1 Q: All right. And did you clean the rest before
2 -- restaurant before their arrival that
3 morning?

4 A: No, sir. We don't clean until an hour to two
5 hours be -- before opening.

6 Q: Okay. All right. And did y'all find any of
7 those after they left and you cleaned the --
8 the establishment? Did you find any casings or
9 blood or bullet holes?

10 A: No, sir.

11 Q: All right. Now, did the deputies ever
12 interview you, your manager or a security guard
13 or the staff regarding the shooting?

14 A: I wouldn't call it an interview. We were
15 having dialogue when I was downloading the
16 video. Pretty much I was asking them
17 questions, you know, if he was shot then why,
18 you know -- why blood wasn't present and I was
19 asking those type of questions.

20 Q: Okay. But he didn't -- he didn't interview you
21 or staff or your security guard for facts of
22 the shooting?

23 A: No, sir.

24 Q: All right. And what do you know about the
25 victim?



1 A: That they're pretty much associated with a
2 street level organization and that's pretty
3 much it.

4 Q: And do you know if he has a criminal record?

5 A: I'm pretty sure he does.

6 Q: All right.

7 **MR. MAYBANK:** That may be it for me, Your Honor.
8 Let me just real quickly look at my notes here.
9 I think that's it for me, Your Honor.

10 **THE COURT:** Mr. McCabe?

11 **MR. MCCABE:** Thank you, Your Honor.

12 **MR. SULLIVAN - CROSS-EXAMINATION BY MR. MCCABE:**

13 Q: Mr. Sullivan, just a couple of questions. I
14 just want to confirm. Were you present at the
15 club on November 6th, 2020?

16 A: Yes, sir.

17 Q: Were you present November 18th, 2020?

18 A: That's when the CAT team did the compliance
19 check?

20 Q: I don't know. I'm just asking the date you
21 testified that you were there.

22 A: If that's the date that the CAT team did a
23 compliance check, yes, sir.

24 Q: All right. Were you present December 2nd,
25 2020?



1 A: Yes, sir.

2 Q: All right. December 6th, 2020, were you
3 present?

4 A: Yes, sir.

5 Q: Were you present this New Year's Eve?

6 A: Yes, sir.

7 Q: Were you present January 23rd, 2020? Or excuse
8 me, 2021?

9 A: What day was that?

10 Q: January 23rd, 2021.

11 A: I would have to -- what was the nature of that
12 date?

13 Q: Well, you -- you don't get to ask me questions.
14 I'm asking you ---

15 A: Okay.

16 Q: --- questions.

17 A: I'm not sure.

18 Q: Okay. February 6th, 2021, were you present?

19 A: Yes, sir.

20 Q: And February 11th, 2021?

21 A: Yes, sir.

22 Q: Okay. You said that you've got video evidence
23 of interactions with police. Do you have any
24 of that evidence with you?

25 A: Yes, sir.



1 Q: Was it presented to the Court?

2 A: I have it on my mobile device.

3 Q: Okay. So, it was presented to the Court? Was
4 it presented as evidence to the Court today?

5 A: No, sir.

6 Q: Okay. Where were you on May 2nd, 2021, before
7 the -- the shooting? Where were you in the
8 establishment?

9 A: Approximately how -- like as far as time?

10 Q: No. Where was your location inside the
11 business?

12 A: I moved throughout the building. That why I
13 was asking like how much prior before the
14 actual shooting?

15 Q: Well, you -- you testified that you witnessed
16 the shooting; isn't that correct?

17 A: No. I stated that I was inside the restaurant
18 when the shooting occurred. Yes.

19 Q: Okay. So, you were inside the restaurant. So,
20 you did not see the shooting, correct?

21 A: No, sir.

22 Q: Okay. And let me ask you this, you -- you
23 testified that your security locked the door;
24 is that correct?

25 A: Yes.



1 Q: You locked the door ---

2 A: No ---

3 Q: Excuse me. You locked the door. Your
4 testimony is that you locked the door with the
5 patrons inside the business?

6 A: Yes, sir.

7 Q: Do you realize that's against fire code?

8 A: No. We have a push-in from inside the
9 establishment.

10 Q: Oh, okay. So -- so, here's my question; you
11 testified that you saw the bouncer laying in
12 the doorway bleeding from the head, which my
13 question is if the door is locked, how was he
14 laying in the doorway?

15 A: Not the doorway inside, but the -- directly in
16 front of the door from the outside.

17 Q: Okay. Well, I -- that's fine.

18 **THE COURT:** There's more than one door?

19 **MR. MCCABE:** That's what I ---

20 A: Yes, sir.

21 **MR. MCCABE:** --- I don't understand.

22 A: It's a front door. It's a glass door.

23 Q: Okay. Where was -- where was the -- the
24 bouncer or excuse me the security -- where was
25 he at?



1 A: He was literally directly in front of the front
2 door.
3 Q: Okay. But you testified how he ---
4 A: But from the outside.
5 Q: You -- okay. You testified he laying in the
6 doorway.
7 A: From the outside. Like you couldn't open the
8 door because that's where he was laying.
9 Q: Okay.
10 A: That's where he was laying.
11 Q: Okay. So, your -- it's your testimony that the
12 -- the shooting on May 8th, 2021, was a loud
13 hookah? A hookah fell and that caused a
14 disturbance?
15 A: Yes, sir.
16 Q: Okay. How loud of a noise would that make?
17 A: I'm not sure.
18 Q: Okay.
19 A: Loud enough to scare people.
20 Q: Well, let me ask you this, is your front door
21 opened or closed?
22 A: You say what?
23 Q: Is your front door of your business, is it
24 opened or closed?
25 A: It opens and closes as patrons go in and out of



1 the business.

2 Q: Okay. But what I'm asking is do you leave it
3 open or do you leave it closed and then open it
4 for patrons to walk in?

5 A: It depends on the flow of traffic.

6 Q: Okay. So, my question is this, have you seen
7 on security footage that accord -- according to
8 this hookah falling that it was loud enough
9 that security on the exterior of the building,
10 pulls their firearm and approaches in a
11 tactical style response towards the door
12 because he heard a hookah fell?

13 MR. SALEEBY: Objection.

14 MR. MAYBANK: There's been no testimony to that
15 affect.

16 MR. MCCABE: Your Honor, you watched the foot -- the
17 footage itself and they testified that he
18 approached and the police officer believed that
19 was a response to a shooting.

20 THE COURT: I don't know what the police officer
21 believed.

22 MR. MCCABE: Well, he testified that was
23 representative for what he thought was a
24 response to a shooting.

25 MR. MAYBANK: I don't recall that testimony



1 whatsoever.

2 **THE COURT:** I don't remember.

3 **MR. MCCABE:** Your Honor, when we showed the video,
4 we -- we showed the shooting and we let it run
5 a little bit past.

6 **THE COURT:** Yeah.

7 **MR. MCCABE:** And the reason we did because you see
8 security approach from the outside with a
9 firearm drawn and asked if that appeared to be
10 indication of someone responding to a shooting.

11 **THE COURT:** Oh.

12 **MR. MCCABE:** So, my question is this; how is -- how
13 loud is it that security, who's out on the
14 exterior of the building, pull the firearm and
15 approaches in that matter?

16 **THE COURT:** The ---

17 **MR. SALEEBY:** Objection, Your Honor. We don't -- we
18 don't know why the security card was
19 approaching the door. He could have seen the
20 people running just like the police officer saw
21 in the video and reached the same ---

22 **THE COURT:** Well, he can ask ---

23 **MR. SALEEBY:** --- conclusion whether it be correct
24 or incorrect.

25 **THE COURT:** Well, he can't ask it based on the



1 security officer's state of mind, but the way
2 he just worded it just now, I think he can ask
3 that question. I don't know if you heard it
4 while -- while he asking ---

5 **MR. MAYBANK:** He ---

6 **THE COURT:** --- while your objecting, but just
7 rephrase your question.

8 **MR. MCCABE:** I don't want to at this point because
9 I'm not sure exactly how -- how I phrased it.

10 **Q:** But my -- my question is ---

11 **THE COURT:** Ask the question.

12 **Q:** Okay. My question is how is a -- a security
13 guard who's on the exterior of the building,
14 how is he able to hear a hookah falling on the
15 interior of the building and the door may or
16 may not have been closed, we don't know?

17 **MR. MAYBANK:** But that would be my objection. First
18 of all, there's been no testimony where what
19 he's describing happened. Second of all, how
20 would he know what the security guard could
21 hear on the outside of the building?

22 **THE COURT:** Well, he's ---

23 **MR. MAYBANK:** He's asking him to verify.

24 **MR. MCCABE:** Your Honor, I'm -- I'm asking him as --
25 the question as to his testimony. He testified



1 ---

2 **THE COURT:** You can ask him about how someone could
3 hear a hookah fall. I mean, that -- on the
4 outside. That's pretty simply what he's
5 asking. I mean, he can testify that they can,
6 cannot, could. I -- I don't know.

7 **MR. MAYBANK:** Right. I -- I think that would be
8 fine if you say can you hear it outside.

9 **THE COURT:** Well, that's what ---

10 **MR. MAYBANK:** But not a security guard.

11 **MR. MCCABE:** That's what I -- well, I ---

12 **THE COURT:** Ask the question again.

13 Q: How can a security who's on the exterior of the
14 building, who approaches from the parking lot,
15 according to the video, how can that security
16 guard hear the hookah falling on the inside
17 because -- because we would assume that the
18 loud noise that people misunder- ---

19 **THE COURT:** You're -- just stop at that question.

20 **MR. MCCABE:** Okay.

21 A: I can't say that he -- that's why he responded
22 the way he did.

23 Q: All right. Do you have any idea why -- well,
24 let me ask you this; when is your security
25 personnel authorized to pull their firearms?



1 A: I'm not in charge of security.

2 MR. MCCABE: Your Honor, he's testified that he

3 deals specifically with -- with security.

4 THE COURT: He just said he's not in charge though.

5 MR. MCCABE: Okay. That's fine, Your Honor.

6 THE COURT: Do you want me to?

7 MR. MCCABE: No. No. No. I -- no. No. That --

8 that's absolutely fine.

9 THE COURT: I don't think they give Judge's paddles

10 ---.

11 MR. MCCABE: No. No. I -- you're fine. I'm sorry,

12 Your Honor.

13 Q: The other thing, you had talked about the --

14 the May -- the May 2nd incident. You said --

15 you testified -- actually, you said it twice

16 that there were multiple fights and shootings.

17 How many occurred that night?

18 A: Well, I said there was multiple fights, and

19 there was at least one shooting, and possibly

20 two shootings.

21 Q: Actually, I said -- I think you said there may

22 have been three, but my -- but -- but my

23 question is, did you witness any of this?

24 A: I heard gunshots. Yes, sir.

25 Q: Okay. But did you witness of these multiple



1 fights?

2 A: The fights, I witnessed the individual getting
3 thrown from outside of the club due to
4 fighting.

5 Q: Okay. But did you witness the fight?

6 A: No, sir.

7 MR. MCCABE: Okay. No further questions, Your
8 Honor.

9 THE COURT: All right. Redirect?

10 MR. MAYBANK: We have none, Your Honor.

11 THE COURT: You may step down.

12 MR. MAYBANK: All right. Our -- our final witness
13 will be just wrapped in a few questions on
14 security. Ray.

15 COURT REPORTER: Do you solemnly swear the following
16 testimony to be the truth, the whole truth, and
17 nothing but the truth, so help you God?

18 MR. HIGGINS: I do.

19 COURT REPORTER: Thank you.

20 RAYMOND E. HIGGINS, having been duly sworn, testifies
21 as follows:

22 MR. HIGGINS - DIRECT EXAMINATION BY MR. MAYBANK:

23 Q: If you'll give your full name for the record.

24 A: Raymond E. Higgins.

25 Q: I'm sorry.



- 1 A: Raymond E. Higgins.
- 2 Q: Okay. And where do you work?
- 3 A: I work for -- in Charleston. I own and operate
- 4 a security company called ---
- 5 Q: Okay.
- 6 A: --- SC Security Protection.
- 7 Q: All right. And so, what is your relationship
- 8 with the Hookah Lounge?
- 9 A: I was hired by the gentleman due to the fact
- 10 that we were working at a club in Swansea and
- 11 they liked us, the way we performed, the way we
- 12 act. So, they hired us there as well.
- 13 Q: Okay. And so, how long have you worked for
- 14 Hookah?
- 15 A: Me personally, not long. My guys who did all
- 16 the work. So, I want to say back early
- 17 November.
- 18 Q: All right. And -- and what's -- what is your
- 19 title? Is it -- do you run the company?
- 20 A: I own and operate the company.
- 21 Q: Okay. All right. And so, how many officers
- 22 work at our establishment?
- 23 A: They could be anywhere between two and six of
- 24 my guys.
- 25 Q: Okay. So, obviously, two during the week?



1 A: Two during the week.

2 Q: Except for the weekend.

3 A: Maybe -- maybe four. Depends on if they have

4 a -- a crowd or they have a party going on.

5 Q: All right. And then, so tell us about the

6 backgrounds of your officers. What are their

7 qualifications?

8 A: You got to be SLED certified. You have to have

9 a clean record. No felonies. We do background

10 checks, fingerprints and I -- me, personally,

11 I -- I hired either prior military or prior law

12 enforcement.

13 Q: Okay. And then, are you SLED certified?

14 A: I am SLED certified.

15 Q: And what does that mean?

16 A: It means I've gone through the classes and I'm

17 certified and past the test.

18 Q: All right. And do you -- does the security

19 guard have to do the same thing?

20 A: They all have to do the same thing.

21 Q: Okay. So, are they also SLED certified?

22 A: They are.

23 Q: All right. And there's been testimony from

24 about all of the Sheriff's Departments that

25 your security officers don't know how to pat



1 down. Tell us about -- do you train them how
2 to pat down or is that something they learned
3 in a prior job?

4 A: I train my guys how to pat down.

5 Q: Okay. And just briefly, can you describe how
6 the -- describe that training?

7 A: Start from the head, you work on down to the
8 toes. May I stand and demonstrate?

9 Q: Sure. Uh-huh.

10 A: You start from the head and you work down, you
11 put your arms inside -- in side their arms, you
12 grab on the chest, and you -- you rake them
13 down, you take your thumbs lock them, you put
14 it in between, go all the way around their
15 belt, they can have a weapon in there, they can
16 have a knife in there, a gun in there, it
17 doesn't matter. You pat down. You pat their
18 legs down. You take your hand as a credit card
19 and swipe it up there -- up there thigh. Then,
20 when they start yelling and start screaming and
21 moving around, you did your job right.

22 Q: Uh-huh.

23 A: Because you usually hit in the testicles.

24 Q: Okay. All right. And so -- so, the -- the
25 officer, the -- what's your response to the



1 Richland County Sheriff's Office that says
2 you're -- you're officers don't know how to pat
3 down?

4 A: Well, apparently, they haven't been near to see
5 us pat down because my guys pat down. I train
6 my guys how to pat down.

7 Q: Okay. Now, have you ever had a gun slip
8 through your security?

9 A: Not one. And I've been doing this 11 years.
10 I have not had a -- a club get -- a person get
11 into my club with a gun.

12 Q: All right. So, let's turn -- were you at the
13 club on the night of either the May 2nd
14 shooting or the May 8th?

15 A: I was there on May 2nd when my guy got shot.

16 Q: Okay. All right. And -- and let's quickly
17 turn to May 8th and we'll come back to May 2nd.
18 So, the testimony -- the Sheriff's Department
19 claims that the individual was shot inside the
20 club, which by definition means, you know a gun
21 came inside the club. What -- what is your
22 reaction to that?

23 A: I was not there. Neither were my guys.

24 Q: Okay. All right.

25 **THE COURT:** Neither were your guys?



1 A: Exactly. My crew -- my crew, my guys from
2 Charleston were not there that night.

3 **THE COURT:** Oh, okay.

4 A: Because we were in -- our last night there was
5 ---

6 **MR. OLIVER:** May 2nd.

7 A: May 2nd. The ---

8 **THE COURT:** Woah. Woah. Woah.

9 A: That Sunday.

10 **THE COURT:** I'm going to let that -- you get away
11 with that, but that's contempt of court.

12 **MR. OLIVER:** Sorry.

13 **THE COURT:** You can't prompt a witness.

14 A: Yeah. It was -- it was ---

15 **THE COURT:** I understand how it happened.

16 **MR. OLIVER:** Sorry.

17 A: I -- if I'm not mistaken, I think the incident
18 happened Saturday morning. So, we were -- the
19 2nd. So, we were -- we were there. We didn't
20 leave -- we didn't leave until they left the --
21 they -- they lifted the barricade up and told
22 me we can go. So, that was 5:30-ish that
23 morning we left.

24 Q: Okay. So, we're talking about May 2nd, then?

25 A: Yes.



- 1 Q: All right. And did you observe the shoot --
2 shooting? Where were you when your man was
3 shot?
- 4 A: I had one guy on the other side of the door
5 because the door goes out. I had one go on
6 that side trying to hold the door in. I was
7 standing inside the doorframe. My partner was
8 three feet in front of me, technically two
9 people in front of me when he was shot, and I
10 felt the aftermath.
- 11 Q: Uh-huh. All right. And do -- and did -- did
12 you do your own investigation as to who the
13 shooter was?
- 14 A: I tried to. I -- I -- I mean ---
- 15 Q: I mean you looked at the videos, etcetera?
- 16 A: I've seen videos and looking at the video, it's
17 pretty obviously -- pretty obvious on what --
18 what we saw and what I saw that the guy did it.
- 19 Q: Okay. And so, it's pretty obvious who did the
20 shooting or ---
- 21 A: Yes.
- 22 Q: --- or how the shooting was done?
- 23 A: It was pretty obvious on -- on who did the
24 shooting.
- 25 Q: All right. And so, have you talked -- has the



1 Sheriff's Department interviewed you, giving
2 you were there the night of the shooting?
3 A: They talked to me that night. They asked me my
4 name and what my rank was. That was it.
5 Q: Okay. All right. And so, did you -- there was
6 earlier testimony that the restaurant gave them
7 the name of the shooter. Did you attempt to
8 give them the name of the shooter?
9 A: I didn't know it at that time.
10 Q: I'm sorry.
11 A: I didn't know it at the time.
12 Q: No. I mean, after that. I'm talking about
13 after that.
14 A: Yes. I've called -- I've called Richland
15 County three times, talked to the dispatch and
16 technically, she blew me off.
17 Q: Okay. She -- she never allowed you to talk to
18 anybody?
19 A: Nope. She told me that she would have a
20 detective call me. I waited ---
21 Q: And did the detective ever call you?
22 A: Nev -- never called me.
23 Q: All right.
24 A: I called two days in a row and I called twice
25 in one day, and I have not got -- received a



1 phone call. To this day, I have not received
2 a phone call.

3 Q: Okay. All right.

4 MR. MAYBANK: That's all we have, Your Honor.

5 MR. MCCABE: Couple questions, Your Honor. Just
6 real quick.

7 MR. HIGGINS - CROSS-EXAMINATION BY MR. MCCABE:

8 Q: So, just to -- just to be clear, your -- your
9 security company was no there on May 8th; is
10 that correct?

11 A: That's correct.

12 Q: Okay. You were there on the 2nd. And you were
13 -- on May 2nd, on that -- that shooting, you
14 were on the exterior of the building?

15 A: Yes.

16 Q: Okay. Okay. So, the -- the pat downs. The
17 pat down. Are -- are you patting down the women
18 as well?

19 A: Yep.

20 Q: Okay. And -- and do you have a female employee
21 to do that or do you have a male employee that
22 does that?

23 A: I do it and I have guys do it. I train my guys
24 how to -- how to properly train -- how to
25 properly pat down a female.



1 Q: Okay. Okay. That's fine. Thank you. What is
2 your company's protocol for pulling a weapon?
3 When would it be appropriate?

4 A: If you're being -- there's several. Being
5 threatened.

6 Q: Okay.

7 A: Guy walks up to you or a female walks up to you
8 with -- with an object and you warn them to put
9 it down, you draw your weapon.

10 Q: Okay.

11 A: If you hear gunshots, you draw your weapon.

12 Q: So -- so, if someone is responding
13 hypothetically, if you will, if someone is
14 responding to a -- a -- what appears to be a
15 gunshot, they are authorized to pull their
16 weapon at that point?

17 A: Yes. Because you hear a gunshot, yes, you draw
18 your weapon.

19 MR. MCCABE: No further questions, Your Honor.

20 MR. MAYBANK: One quick question.

21 MR. HIGGINS - REDIRECT EXAMINATION BY MR. MAYBANK:

22 Q: There was insinuation there was no security
23 company there on May 8th. Didn't Hookah have
24 a contract with two security companies?

25 A: Yes. I believe so.



1 Q: Okay. And so, the -- was there a -- the other
2 security company there on May the 8th?

3 A: That I don't know. I mean, what I saw on the
4 video, I recognized two of the guys, which was
5 working with -- actually, one of them was
6 working that night on May 2nd.

7 Q: Okay.

8 A: It was Anthony.

9 Q: All right. And so, was working as security on
10 May 2nd?

11 A: Yes.

12 Q: Okay. All right.

13 MR. MAYBANK: That's all the testimony we -- I mean,
14 all the question we have, Your Honor.

15 THE COURT: All right.

16 A: And he's the one that actually called the
17 police. He called Richland County.

18 MR. MAYBANK: All right.

19 THE COURT: You may step down. Any other witnesses?

20 MR. MAYBANK: We have no further witnesses, Your
21 Honor.

22 THE COURT: You don't look like you have any books,
23 so I was going to ask you if you have any
24 rebuttal, but.

25 MR. MCCABE: No, Your Honor. No rebuttal.



1 **THE COURT:** All right. Do y'all want to give
2 closings?

3 **MR. MCCABE:** We could give a -- I've prepared to
4 give a brief, maybe two-minute closing, Your
5 Honor.

6 **THE COURT:** You don't want take a break first or
7 you're ready to go? Mr. Oliver's saying no
8 break.

9 **MR. MAYBANK:** Probably ready to go.

10 **MR. MCCABE:** Your Honor, if I may.

11 **THE COURT:** Yeah.

12 **CLOSING STATEMENT - MR. MCCABE:**

13 **MR. MCCABE:** All right. Thank you. Your Honor,
14 just -- just briefly. We are here today
15 because the Department contacted Richland
16 County when we heard through the news that
17 there were two shootings in two weeks. There
18 is no plot. There is no plan. There is no
19 organization coordination, whatever you want to
20 call it with Richland County to get a
21 particular business. The Department sought
22 this information based upon the news report
23 that we found, got the -- got the attention of
24 the director, which then got the -- the
25 attention of chief counsel and so on and so on



1 -- so on and so forth, down the line. We've
2 heard all this testimony about how it's not
3 them and -- and we need to look at this
4 business. And what they have not done has
5 talked about this business. They've talked
6 about everything except this business. They --
7 they want to deny that the second shooting even
8 occurred. We've heard testimony that it was a
9 hookah, it was this, it was that. However,
10 they're own witness said that it would be one
11 of the reasons and armed security would pull
12 their weapon and approach the door was if they
13 had had heard a gunshot. We have the victim
14 who shows up at the hospital with a gunshot to
15 the abdomen. That same individual is seen
16 running from the scene with his hand on his
17 abdomen. You know, the other thing they've
18 done, they brought up this -- this club, this
19 event venue, which is questionable how -- how
20 many times were even operating, but I don't
21 think that helps in -- in the way that one of
22 their witness testified that it was chaos when
23 it let out. Well, that goes to show that the
24 -- the location itself is not suitable. Their
25 own security had to request police help to



1 control the crowds. Now, we would say that the
2 incidents of the -- of the two shootings show
3 that there's not a reputation for peace and
4 good order, and we also think that by not
5 reporting the shooting that maybe they're
6 knowingly allowing events to occur. But I
7 think there is some legitimate questions about
8 the suitability as if there are that many
9 problems with -- with an establishment, and
10 that the Department would be happy to look at
11 them, but as of right now, our understanding,
12 they don't have a liquor license. So, you
13 know, our job is to enforce and make sure that
14 those applicants who have the privilege of
15 selling alcohol are compliant with all aspects
16 of the law and are doing so safely. I think
17 two shootings within two weeks is -- is
18 evidence that that's not occurring. Now, I
19 understand that they're taking steps with
20 security and things of that sort, but it --
21 it's not helping. It -- it hasn't -- it hasn't
22 -- it hasn't solved the problem. And the
23 Department doesn't want the -- there to be
24 another incident where there -- there's been a
25 murder and then, the Department is questioning



1 why we did not take the steps. The court is
2 aware that we have sought revocation in other
3 businesses who have shootings. There was one
4 in Greenville that I argued before you. So,
5 this is not something new for the Department to
6 do. All and all, Your Honor, they -- they've
7 put the blame everywhere else, but they have
8 yet to accept the blame for themselves, and I
9 think that's telling. So, again ---

10 **THE COURT:** Just where I can be clear on the
11 categories.

12 **MR. MCCABE:** Yes, Your Honor.

13 **THE COURT:** The -- there appears to be the first one
14 would be the burden upon law enforcement,
15 having to respond to all the ---

16 **MR. MCCABE:** Correct.

17 **THE COURT:** --- different calls. And -- and then
18 the second one, peace and good order. I don't
19 -- what evidence reflects ---

20 **MR. MCCABE:** The lack of reputation for peace and
21 good order?

22 **THE COURT:** Yeah.

23 **MR. MCCABE:** Your Honor, we -- we believe that --
24 that one of the police have testified that the
25 establishment is a problem location. We also



1 believe that the -- the two shootings are also
2 evidence that -- that a business does not have
3 the reputation for peace and good order. We
4 think that's ---

5 **THE COURT:** Well, I think Mr.-- I can go ahead and
6 anticipate what Mr. Maybank to argue. So, if
7 -- if any -- any business out that there sells
8 beer and wine has two shootings, then they no
9 longer have a reputation for peace and good
10 order?

11 **MR. MCCABE:** That is not itself a -- alone, Your
12 Honor. There are -- there are times when --
13 when a shooting is -- is justified.
14 Justifiable homicide, things of that sort.

15 **THE COURT:** That's why I'm asking the question.

16 **MR. MCCABE:** Right. So, the shootings themselves
17 are not the sole factor. But the shootings,
18 and law in line with the law enforcement's
19 concern of their own officers safety, the pull
20 on resources, the general hostile attitude
21 regarding law enforcement, those are what we
22 look at as a combination. It's not just one
23 single factor and it would be -- I would say it
24 would inappropriate for a -- a single
25 occurrence, so let's say something happened in



1 a parking lot, well, you know, the parking lot
2 is -- is not their control. What we have
3 focused on is things that they are in control
4 of, their premises. They strictly focused on
5 what is happening within their premises. There
6 are lot of reports out there, but they are
7 occurring in parking lots and things of that
8 sort. And it's not appropriate to hold them
9 responsible for those type of things because as
10 they said, they share that parking lot with
11 many different people. But at some point, they
12 have to be responsible for the activity that
13 care -- that occurs within their business. You
14 know, they -- they can't pawn it off to -- to
15 someone else all the time. And that's what we
16 think is going on here. But to answer your
17 question, the shootings themselves, while they
18 are -- are very concerning, that would not be
19 the sole reason for finding -- for the
20 Department determining a lack of -- lacks a
21 reputation for peace and good order. We think
22 that along with all the other incidences and
23 the -- the police officer's testimony, we think
24 that altogether in one gives evidence of -- of
25 the lack of -- the reputation for the lack of



1 peace and good order.

2 **THE COURT:** Okay. Any other categories that I'm
3 missing?

4 **MR. MCCABE:** We would also -- based upon their
5 testimony with -- with this event center next
6 -- next door, while it's not in the DD (ph),
7 they're de novo hearings, we would question
8 whether the location is suitable based upon the
9 interactions with this event center next door.
10 They've had testimony who says that -- that
11 it's out of control. We can't license that
12 business, the event center. So -- so there's
13 some questions I would say as to whether the
14 location itself is now suitable based upon the
15 environment it finds itself in. And then, of
16 course, we think the fact that the -- the
17 establishment not reporting the -- the
18 shooting. Obviously, and I would -- I would
19 suggest that the Court watch the entire video.
20 You've only saw a -- a four-minute snippet.
21 The entire 45-minute length was -- was placed
22 in the video and the Court will see for itself
23 that ---

24 **THE COURT:** The entire -- it was placed -- you mean
25 into evidence?



1 **MR. MCCABE:** In evidence. I'm sorry, Your Honor.
2 Yes. The entire 45-minute video was placed
3 into evidence and I would invite the Court to
4 -- to watch the entire video and you will from
5 the -- the activity recorded that security
6 personnel was not responding to a -- a loud
7 noise from a hookah. They continue to search
8 the parking lot. They're moving in tactical
9 behaviors and mannerisms, hiding behind
10 vehicles. All that's on the video. However,
11 we didn't want to play a 45-minute video. But
12 -- but that is contained within the video. So,
13 our thought is that if a shooting occurs and
14 agents of the establishment, their security
15 personnel, are aware that that occurs and they
16 don't take the steps to contact law enforcement
17 and let them know that there was a problem
18 there, that we think that they are -- are
19 burying their head in their sand and -- and not
20 -- and allowing activity that -- that's
21 unlawful and -- and harmful and dangerous to
22 occur. So, we -- we would say that there is
23 some evidence that they are knowingly
24 permitting activity which is -- could be
25 considered a nuisance to occur on the premises



1 as well, Your Honor.

2 **THE COURT:** Okay.

3 **MR. MCCABE:** Thank you.

4 **THE COURT:** Mr. Maybank.

5 **CLOSING STATEMENT - MR. MAYBANK:**

6 **MR. MAYBANK:** Just very briefly, Your Honor. The --
7 the --we heard a lot of reasons why we should
8 have our ABL license revoked. We didn't -- but
9 we didn't see any of the physical evidence that
10 they said why we should have our license
11 revoked. It's very -- it's very rare -- the
12 Sheriff's Departments get involved all the time
13 in new permits and renewals. I've never seen
14 a Sheriff's Department protest -- ask for an
15 immediate revocation and the witnesses agreed.
16 It's the only time they've -- they've ever done
17 it. So, the -- they didn't give us any of
18 their physical ---

19 **THE COURT:** Mr. Maybank, I've had several cases
20 where I've revoked based on burden of the law
21 -- on ---

22 **MR. MAYBANK:** Law enforcement?

23 **THE COURT:** Yes, sir. And there's case law to
24 support that.

25 **MR. MAYBANK:** Right. I'm not -- I'm to saying it's



1 underwater or anything, I'm just saying it
2 doesn't happen very often.

3 **THE COURT:** Oh, okay. Yeah.

4 **MR. MAYBANK:** But they didn't -- we didn't see any
5 of the physical evidence that their case was
6 based on. They said there were 130 911 calls.
7 Well, we -- we have six 911 calls we're aware
8 of that we made, plus we know that there were
9 10 or 15 fake ones. We had never heard of 130
10 911 calls. And if -- if that's the reason why
11 they're seeking to revoke our license, surely
12 they would have brought that list to court
13 today. Why on earth if that's the -- if that's
14 the heart of their case, why wouldn't they have
15 brought that list to court today? Well, one
16 obvious reason is -- is that those are 911
17 calls for our -- our entire neighborhood,
18 nothing to -- you know, some of them obviously
19 had to do with our establishment, but -- but
20 the majority -- the great majority had nothing
21 to do with us and I can say that boldly because
22 they would've brought it. Second of all, they
23 talked about the numerous incident reports.
24 All of the bad things that happened in our bar.
25 I asked every time they said that, that's



1 obviously the kind of thing you write an
2 incident report on. They agreed. Didn't bring
3 any of them. Not a single one. The only
4 incident reports they brought were the four
5 that were -- or five that were introduced where
6 they filed the initial revocation action.
7 After all these other bad things going on in
8 the bar, by definition they would have written
9 an incident report. I asked every witness to
10 that affect, and they would have brought them
11 today. You're trying to revoke somebody's
12 license, I dare say you're going to bring those
13 incident reports, but we didn't -- we didn't
14 see a one of them. Video surveillance. We had
15 a video surveillance van parked three months.
16 It's their today outside of our -- our bar and
17 restaurant. That video surveillance would have
18 shown the -- the shooting of our employee and
19 would've shown the alleged victim running and
20 -- and I don't know how many -- I've never been
21 shot. I'm no expert, but you get shot and you
22 go running down the sidewalk. I mean, that's
23 a -- that's a new one, but their -- their video
24 surveillance cameras have been there for three
25 months. We didn't see a single video. Not a



1 one. Now, if there was a vid -- I dare say, if
2 there was a video showing this guy collapsing
3 from a gunshot wound, we definitely want to --
4 we would've seen it. Now, it terms of the --
5 of the two shootings, you know, as I said,
6 there's -- they're definitely two shootings.
7 But neither have occurred inside our -- our
8 premise -- not -- neither of them had anything
9 to do with us. But the May 2nd shooting, the
10 uncontroversy -- uncontradicted evidence is
11 that the Sheriff's Department had no
12 independent evidence or -- or witnesses of
13 their own, so the uncontradicted evidences a
14 rapper went from the rap concert to Rush's
15 across the street. We weren't letting the
16 crowd in. He got mad and shot our security
17 guard. So, he -- he never sets foot in our
18 establishment. When he did the shooting, he
19 was across the street. He was -- he was coming
20 from the rap concert and -- and he shot our
21 security guard presumably because he wouldn't
22 be let in. So, I -- I don't know how and in
23 terms of closing places down that that could be
24 a comp. But I guess if you write your order,
25 you're -- you're going to have use it and as a



1 -- is a comparable, you know, somebody --
2 you're next door neighbor shoots somebody and
3 he's not even on your premises, and that's
4 grounds for revoking your license. The second
5 one on May 8th, again, the -- the
6 uncontraverted evidence was they didn't bring
7 their video surveillance camera. The guy who
8 is shot, he left our establishment at 3:00 p.m.
9 and went to the hospital at 4:55. I didn't see
10 him and maybe just -- we don't have the best
11 screen. I didn't see him running. I didn't
12 see him holding a bullet wound. I didn't blood
13 -- any evidence of blood or any evidence of him
14 trying to call 911 or asking for help. Most of
15 us, if we'd have been shot, we'd be asking
16 somebody for help and particular the security
17 guard. The only evidence that he was show in
18 our establishment was hearsay testimony that he
19 told the Sheriff's deputy, who wrote it down in
20 an incident report. So, it would be -- it
21 would be double -- double hearsay I suppose.
22 And he said he was shot at Hookah. He didn't
23 explicit say he shot inside the bar. But the
24 police came. There's no video footage of the
25 shooting. There's no blood on the floor.



1 There were not bullet case. And there were not
2 bullet holes. And of course, we didn't dial
3 911. We -- we weren't aware of the -- of the
4 shooting and we weren't shy about dialing 911.
5 We -- we did dial 911 five times ourselves.
6 So, the -- so, what we have in summary then, to
7 finish up, we have the evidence that --
8 relevant to putting us out of business was
9 never presented. There's no list of 130 911
10 calls. They said there were all these
11 shootings and violence, and they're all written
12 in incident reports presumably. They didn't
13 produce a single one of them. And then, they
14 got a video camera there for three months --
15 video trailer for three months. We didn't see
16 a single video of either shooting or any of
17 these commotions. Not -- not -- not one.
18 Shooting number one, there's not testimony the
19 shooter ever set foot on our premises and it's
20 uncontradicted, he -- his gun went off across
21 the street in Rush's. And -- I don't know if
22 Rush's has an ABL license, but nobody would
23 agree we should revoke it. Rush's has nothing
24 to do with it. Well, we didn't have anything
25 to do with it either. And so, on the May 8th,



1 he left at 3:00 p.m., went to the hospital at
2 4:55. No video footage. No blood. No bullet
3 cases or -- or bullet holes. So, that's our --
4 that's our case, Your Honor. Thank you.

5 **THE COURT:** Anything else, Mr. McCabe?

6 **CLOSING STATEMENT - MR. MCCABE (CONT.):**

7 **MR. MCCABE:** Your Honor, I -- I would just clarify
8 that the testimony was not the rapper shot from
9 across Rush's. The testimony by his own
10 witnesses is that the individual was shot at
11 the front door. Rush's, if you look on the
12 map, is at least -- I believe testimony was
13 over 100, 150 yards away from the front door of
14 the establishment. I -- I think it would be
15 challenging for anybody with a pistol to be
16 able to shoot someone in the face from 150
17 yards across. So, I just want to clarify Mr.
18 Maybank is -- as said that's it's on -- that
19 there's ---

20 **MR. MAYBANK:** Right.

21 **MR. MCCABE:** --- that's that the testimony. And
22 that was not the testimony even for his own
23 witness. And so, I just wanted to -- to
24 clarify that.

25 **THE COURT:** All right.



1 **MR. MAYBANK:** And Your Honor, I was incorrect. They
2 -- our witnesses have pointed it out. So, the
3 May 8th shooting -- I mean, the May 2nd
4 shooting, he was -- I think he got mad,
5 couldn't get in the front door, and shot. So,
6 he was -- he was not at Rush's. Rush's is the
7 other shooter.

8 **THE COURT:** Okay. All right. Well, I'll issue the
9 decision in writing.

10 **MR. MCCABE:** Thank you, Your Honor.

11 **ADJOURNMENT:**

12 **THE COURT:** Proceeding is adjourned.

13 (There being nothing further, the administrative
14 hearing concluded at 5:50 p.m.)



CERTIFICATE

This is to certify that the within hearing consisting of three hundred and sixty five (365) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenomask with Backup.

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

IN WITNESS WHEREOF I have hereunto set my hand and seal on June 28, 2021.



Travis McLeod
Court Reporter

Notary Public for South Carolina
My Commission Expires: January 3, 2027



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INVENTORY of EXHIBITS

Page 1 of 1

Caption:	SC DOCK Agua Pina LLC d/b/a Haddock on the River	Date/Time:	6/9/21 10:00
Docket No:	21-AJ-17-0143-JS	Judge:	Anderson

[illegible]

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2011044418

Incident #: 2011044418

Event

2700 Broad River Rd SC SOUTH CAROLINA 29210

Incident Description: OTHER
Incident Start Date: 11/18/2020 22:23:27
Incident End Date: 11/18/2020 23:00:00
Reported Date: 11/18/2020 22:23:27
City: COLUMBIA
Region: REGION 4
Region Grid: REGION 4, 14
Weapon Code:
Case Status: ACTIVE
NCIC Entered: No

Suspects (1)

Hookah on the river

Business Number: 1
Address: 2700 Broad River Rd
Ste/Bldg: B
City: COLUMBIA
State: SC SOUTH CAROLINA
Zip Code: 29210

Misc. Associated Names Data (1)

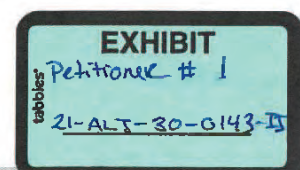
Sullivan, Chris

Person Number: 1
Phone 1:
Email:

Offenses (1)

000084 OTHER RESPONSES

UCR/NIBRS Code: 990 OTHER
Counts: 1
Attempted/Completed: Completed
Completed: Yes
Units Entered:
Bias Motivation: NOT A BIAS MOTIVATED INCIDENT
Location Type: COMMERCIAL/OFFICE BUILDING
Offender Suspected of Using: Not Applicable
Cargo Theft:



RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2011044418

Incident #: 2011044418

Vehicle (0)

Style:

Type Of Loss:

Property (0)

Drug (0)

Property Class:

Gun (0)

Make:

Narrative (1)

Colon, Dennys 1906

11/19/2020

I conducted a compliance check at 2700 Broad River Rd Ste B at the business (Hookah on the river). I along with other CAT deputies made contact at the front door with the security and asked for a manager. The security guard advised deputies that the manager was not on scene. I asked to speak to someone in charge of the business so that I could conduct a compliance check. An individual exited the business and made contact with me. I advised the individual that I was at the location to conduct a compliance check and to check the business license. The individuals quickly asked me if I had a search warrant for the business I advised the individual that I did not have a search warrant because I was only conducting a compliance check to check the business license. The individual advised me that I would not be allowed into the business to check the license. The individual also asked for a supervisor to respond to the location.

Deputies requested a region 4 supervisor to respond and Cpl. Lauriano responded to the location to speak with the individual. I then made contact with a bartender who asked what was going on. I advised the bartender that I was attempting to conduct a compliance check and to check the business license. The bartender said okay and I walked into the business behind her. While walking into the business a citizens attempted to block the door and attempted to tell me to exit the business. I walked behind the bar area to meet the bartender who had the business license in her hand. The bartender then refused to show me the business license. The bartender was on the phone with her father the owner of the business. Cpl. Roberts arrived on scene and deputies were able to look at the liquor license and business license but the individual who requested a supervisor and bartender began to block deputies from taking pictures of the licenses. All deputies exited the business after checking the business license.

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2011044418

Incident #: 2011044418

Body Worn Camera: ON

Author Name:

Officer (2)

Reporting Officer: Colon, Dennys (1906) 11/19/2020 17:08:00

Approving Officer: Brown, Danny (1010) 11/19/2020 17:54:58

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2102004407

Incident #: 2102004407

Event

2700 Broad River Rd SC SOUTH CAROLINA 29210

Incident Description: OTHER
Incident Start Date: 02/07/2021 02:55:00
Incident End Date: 02/07/2021 04:33:00
Reported Date: 02/07/2021 04:45:00
City: COLUMBIA
Region Grid: REGION 4, 15
Region: REGION 4
Day of Incident: SATURDAY
Date Dispatch: 02/07/2021 03:54:00
Weapon Code:
Case Status: ACTIVE
Exceptional Clearance: NOT APPLICABLE
How Reported:
NCIC Entered: No

Suspects (1)

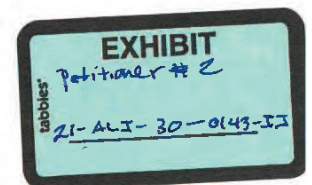
Hooka Lounge

Business Number: 1
Address: 2700 Broad River Rd
Ste/Bldg:
State: SC SOUTH CAROLINA
Zip Code: 29210

Misc. Associated Names Data (1)

"Ray"

Person Number: 1
Age: 40
To Age: 50
Race: WHITE
Sex: MALE
Ethnicity: NOT HISPANIC OR LATINO
Height: 507
Weight: 175
Hair Color: BALD
Phone 1:
Email:



RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #: 2102004407

Incident #: 2102004407

Offenses (1)

000084 OTHER RESPONSES

UCR/NIBRS Code: 990 OTHER
Attempted/Completed: Completed
Completed: Yes
Units Entered:
Bias Motivation: NOT A BIAS MOTIVATED INCIDENT
Offender Suspected of Using: Not Applicable
Cargo Theft:

Vehicle (0)

Style:
Type Of Loss:

Property (0)

Property Class:

Drug (0)

Property Class:

Narrative (1)

Hawkes, John S1636

02/10/2021

On February 7th, 2021 C-Squad Units responded to 2700 Broad River Road (Hooka Lounge) in reference to a disturbance at the front door. The initial response was requested at @ 0300 hrs. Upon arrival I was contacted by a member of security advising that the crowd had grown unruly at the door and thought they were going to have a fight. Units stayed by vehicles and monitored the situation since we were not engaged in providing security.

I was called away several minutes later to a Priority-1 call involving a weapon, but before I could leave I observed a w/m with a bald head (Later identified as RAY) emerge from the club carrying an AR-15 rifle across his chest. I asked "Ray" why on earth he was carrying a rifle inside of a crowded club. The w/m stated "I'm SLED, I work at SLED ... I'm doing security". I assumed by his statements that he was a SLED Agent and not a regular security guard employed by the business.

I had to leave the scene for another Priority-1 call, but returned quickly. Upon my return I was approached by a tall, slim, b/m wearing a bright yellow sweatshirt. I had seen him several times entering/exiting the club as maintenance or some kind of clean-up man. He advised me that people were causing a disturbance near the door. As I walked off to investigate the disturbance, I heard the b/m

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2102004407

Incident #: 2102004407

tell me that the club was trying to close. We made contacted with the crowd and advised everyone to leave because the club was closing. After the crowd began to disperse, security began allowing patron to resume forming a line and allowing entry into the club. I explained that we were NOT on scene to provide security or "work the door" and RCSD Deputies were leaving. All units departed.

At approximately 0400 hrs RCSD Deputies were requested to return to the location for a disturbance inside the club. Upon arrival I was informed by the door man that security had discharged pepper spray inside the club. EMS arrived at almost the same time and was treating a patient in the parking lot, and later treated a young b/f for consuming too much alcohol and having an asthma attack; possibly induced by the pepper spray.

I notified security at the door that due to the public health hazard (inhalation hazard) caused by the pepper spray, the club was to close. I further explained that i would gladly have the fire department respond to close the business and ventilate the club as well. No manager or owner was on scene at the time of either response.

I have responded to the location on previous occurrences to investigate noise complaints and requested to speak to the security director, the manager, or even the owner. Both times i was directed to the clubs "Public Relations Liaison" who made several attempts to contact the manager. I was told by whomever answered the phone that I could speak with the Public Relations Liaison.

On both occasions we were called to the scene for assistance I observed customers carrying red plastic solo cups from inside the business, and scantily clad young b/f's entering and exiting the club . I did not see anyone bringing any alcohol or any beverages whatsoever into the club. I did not observed the club acting in compliance with Sexually Oriented Business (SOB) Laws and or Regulations. To my knowledge the business does not possess an On-premise Alcohol Sale, or On-Premise Consumption License. I was later informed that the business allows customers to bring their own alcoholic beverages into the club as no alcoholic beverages can be sold. I was also later updated that current Covid-19 Regulations require any public gathering type club/establishment not to be in operation after 12 o'clock pm/midnight.

Region 4 command staff was notified of this situation on February 8th, 2021

Body Worn Camera: ON
Author Name: Cpl. J. Hawkes

Officer (1)

Reporting Officer: Hawkes, John (51636) 02/07/2021 04:19:26

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2102002111

Incident #: 2102002111

Event**2700 Broad River Rd SC SOUTH CAROLINA 29210**

Incident Description: OTHER
Incident Start Date: 02/11/2021 02:21:37
Incident End Date: 02/11/2021 03:00:00
Reported Date: 02/11/2021 03:30:00
City: COLUMBIA
Region Grid: REGION 4, 15
Region: REGION 4
Date Dispatch: 02/11/2021 02:21:00
Weapon Code:
Case Status: ACTIVE
Exceptional Clearance: NOT APPLICABLE
How Reported:
NCIC Entered: No

Misc. Associated Names Data (2)**Oliver, Jack**

Person Number: 1
Phone 1: (803)-271-0080
Email:

Higgins, Ray

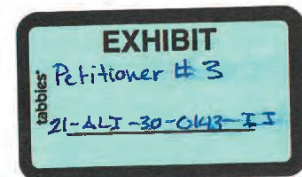
Person Number: 2
Phone 1: (843)-847-9605
Email:

Offenses (1)**000084 OTHER RESPONSES**

UCR/NIBRS Code: 990 OTHER
Attempted/Completed: Completed
Completed: Yes
Units Entered:
Bias Motivation: NOT A BIAS MOTIVATED INCIDENT
Offender Suspected of Using: Not Applicable
Cargo Theft:

Vehicle (0)

Style:
Type Of Loss:



RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2102002111

Incident #: 2102002111

Property (0)

Property Class:

Drug (0)

Property Class:

Narrative (1)

Hawkes, John S1636

02/11/2021

On February 11th, 2021 at 02:22hrs I observed the business of *Hooka Lounge* to still be in operation. My attention was called to the business because of the loud noise emanating from the business; noise audible at more than 50 feet from the business on Rushmore Road. Upon arrival I made contact with two armed w/m's who were wearing security uniforms and explained they were the "outside security". I inquired as to the point of contact for their security company and was informed it was Ray Higgins. Mr. Higgins was not working, but could be reached at (843)847-9605. Higgins was the w/m individual that I encountered on February 7th who identified himself as working for SLED while wearing an assault rifle.

I requested the manager of the club come outside to speak with me and I was met by the business's "Public Relations Liaison" who did not give his name but did identify himself as a lobbyist. I was told that the manager's name is Kierra Nelson. I was then told she was not on the premises, but she would be back in 15 minutes. While waiting for Nelson I spoke to the Liaison and inquired if he knew what time the business was supposed to be closed. The liaison was not aware. I informed him that the business was supposed to be closed by midnight. When the liaison asked me to show him the Statute I explained that Governor McMaster's executive order, which was issued in 2020, was still in effect.

I briefly explained the guidelines which pertained to the serving of alcoholic beverages after 11pm, capacity guidelines. The liaison stated that they had not served any alcohol after 11pm. While we were speaking a scantily clad b/f walked by us and I inquired if that was Ms. Nelson. I was informed that she was the bartender and the other girls were referred to as "Hooka Angels". When I asked if the "angels" were simply cocktail waitresses, the Liaison confirmed it. The liaison denied the business was a bar and stated it was only a restaurant.

After nearly 30 minutes Nelson had still not returned and the liaison decided to contact the owner, whom he identified as Jack Oliver (803-271-0080). Mr. Oliver was explained the issues of the noise as well as the business hours per the state of emergency mandate. Oliver assured me the business had a valid liquor license and restaurant license. I requested to be allowed to view the license as it is supposed to be posted in the establishment in full view and available for inspection. I also requested to be allowed to enter the business to ensure all social distancing, 50% capacity guidelines, and Covid-19 guidelines were being adhered to. I was emphatically denied access to the business by the owner.

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2102002111

Incident #: 2102002111

I made mention of the 50% capacity guideline under Executive Order 2021-07 which upheld previous orders from 2020. and I was assured that the business was adhering to all Covid-19 guidelines, especially only having 34 patrons inside since the maximum capacity was 68. The business was in serious violation over the weekend of February 7th, 2021 when there were hundreds of people in attendance inside the business.

At 0300 hrs I departed the location when the music was finally turned down.

Body Worn Camera: ON

Author Name: Cpl. J. Hawkes

Officer (1)

Reporting Officer:

Hawkes, John (S1636)

02/11/2021 02:21:37

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105005502

Incident #: 2105005502

Event**2640 BROAD RIVER RD SC SOUTH CAROLINA 29210**

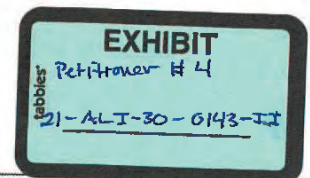
Incident Description: WEAPONS LAW VIOLATION
 Incident Start Date: 05/02/2021 02:35:00
 Incident End Date: 05/02/2021 02:37:00
 Reported Date: 05/02/2021 02:37:00
 Region: REGION 4
 Weapon Code:
 Case Status: ACTIVE
 Change Date: 05/03/2021
 Exceptional Clearance: NOT APPLICABLE
 How Reported:
 NCIC Entered: No
 Region: REGION 4, 15
 City: COLUMBIA
 NCIC Inquiry: No

Suspects (1)**UNKNOWN,**

Person Number: 00
 Apt/Rm/Bldg:
 County:
 Primary Phone:
 Email:
 Facial Hair:
 Misc ID Type:
 Occupation Code/Description:
 Ste/Bldg:
 Email/Website:

Victim (1)**STATE OF SC**

Business Number: 01
 Victim Type: SOCIETY / PUBLIC
 Address: 2640 BROAD RIVER RD
 Ste/Bldg:
 State: SC SOUTH CAROLINA
 Zip Code: 29210
 County: 40 RICHLAND
 Phone 1: (803)-576-3000
 City: COLUMBIA

**Offenses (1)**

Counts: 1
Attempted/Completed: Completed
Units Entered:
Bias Motivation: NOT A BIAS MOTIVATED INCIDENT
Premise Type: PARKING LOT/GARAGE
Premise Type 2: RESTAURANT
Offender Suspected of Using: Not Applicable
Types of Criminal Activities/Gang Info: OPERATING/PROMOTING/ASSISTING
Weapon/Force Involved and Automatic: FIREARM
Completed: Yes
UCR/NIBRS Code: 520 WEAPON LAW VIOLATIONS

Vehicle (0)

Style:

Type Of Loss:

Printed On 05/03/2021

Page 1 of 2

Printed By Stacey, Kathryn

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105005502

Incident #: 2105005502

Property (1)

11- 9MM SPENT SHELL CASINGS

Related To: UNKNOWN UNKNOWN
Quantity: 11.0000
Property Class: FIREARM ACCESSORIES
Latents Processing: No
DNA Processing: No
Drug Analysis: No

Drug (0)

Property Class:

Narrative (1)

Bonds, Alston 1752

05/02/2021

Deputies responded to the 2700 Block of Broad River Rd due to hearing shots fired coming from/near the location of Hookah Lounge and Rush's. When deputies arrived on scene there were numerous patrons of the Hookah Lounge running away. Once the scene was secured, deputies canvassed the area of the Hookah Lounge and Rush's. Deputies located eleven (11) 9mm spent shell casings in the back of the Rush's Parking lot. It did not appear that anything was struck by the gunfire. Deputies observed a surveillance camera at Rush's that points directly at the location of the gunfire. A manager with Rush's was contacted but did not know how to work the video. He stated he would speak to another manager on Sunday to try and pull the footage for investigation purposes. The shell casings were photographed and collected. The casings were submitted into the evidence drop box at Region 4 HQ.

Author Name:

Body Worn Camera: ON

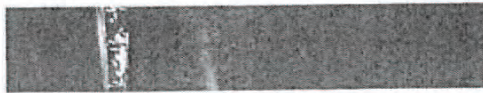
Officer (2)

Approving Officer:	Rosenberger, John (1626)	05/02/2021 05:28:12
Reporting Officer:	Bonds, Alston (1752)	05/02/2021 03:14:00

Photo Data (1)

5/3/2021

<https://server24.rcsd.net/InformRMS/redactreport/1/1bb648ee-a6c4-c754-7d0c-08d90d4c9c89/1/1/Incident Default Summary Report//Infor...>



Description:

Printed On 05/03/2021

Page 2 of 2

Printed By Stacey, Kathryn

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105007102

Incident #: 2105007102

Event

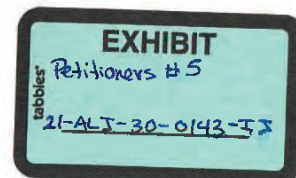
2700 BROAD RIVER RD SC SOUTH CAROLINA 29210

Incident Description: AGGRAVATED ASSAULT
Incident Start Date: 05/02/2021 03:19:00
Incident End Date: 05/02/2021 03:25:00
Reported Date: 05/02/2021 03:20:00
Region: REGION 4
Weapon Code:
Case Status: ACTIVE
Exceptional Clearance: NOT APPLICABLE
How Reported:
NCIC Entered: No
Region: REGION 4, 15
City: COLUMBIA
NCIC Inquiry: No

Suspects (1)

UNKNOWN, UNKNOWN

Person Number: 00
Apt/Rm/Bldg:
County:
Primary Phone:
Email:
Facial Hair:
Misc ID Type:
Suspected Of Using: Not Applicable
Occupation Code/Description:
Ste/Bldg:
Email/Website:



RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105007102

Incident #: 2105007102

Victim (1)

WALKER, TIMOTHY

Victim Type:	PERSON / INDIVIDUAL (NOT A LAW ENFORCEMENT OFFICER)
Person Number:	01
DOB:	08/07/1987
Age:	33
Race:	BLACK OR AFRICAN AMERICAN
Sex:	MALE
Ethnicity:	NOT HISPANIC OR LATINO
Agg Assault Circumstances:	UNKNOWN CIRCUMSTANCES
Injuries:	Other Major Injury
Address:	UNKNOWN
Primary Phone:	(000)-000-0000
Email:	
SID Number:	
Suspected Of Using:	Not Applicable
Email:	
Email/Website:	

Witness Of Incident Data (1)

HOOCAH LOUNGE

Business Number:	01
Address:	2700 BROAD RIVER RD
Ste/Bldg:	
State:	SC SOUTH CAROLINA
Zip Code:	29210
County:	40 RICHLAND
City:	COLUMBIA

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105007102

Incident #: 2105007102

Offenses (1)

Counts: 1
Attempted/Completed: Completed
Units Entered:
Bias Motivation: NOT A BIAS MOTIVATED INCIDENT
Premise Type: BAR/NIGHTCLUB/LOUNGE
Premise Type 2: PARKING LOT/GARAGE
Offender Suspected of Using: Not Applicable
Types of Criminal Activities/Gang Info: NO GANG INVOLVEMENT
Weapon/Force Involved and Automatic: FIREARM
Completed: Yes
UCR/NIBRS Code: 13A AGGRAVATED ASSAULT
Felony/Misdemeanor: F FELONY

Vehicle (0)

Style:
Type Of Loss:

Property (0)**Drug (0)**

Property Class:

Narrative (1)

Bonds, Alston 1752

05/02/2021

Deputies were at 2640 Broad River Rd (Rush's) for a shooting incident that took place in the parking lot. While deputies were completing the call, deputies heard several gunshots coming from the parking lot of the Hookah Lounge, located directly across the street. Deputies ran to location as the shooting was happening. Deputies observed dozens of patrons running through the parking lot away from where the shots were being fired. Deputies were in the parking lot attempting to locate the shooter while shots were continuing to be fired. Deputies determined the suspect was running towards Broad River Rd while still actively firing, based on the sound of the gunshots. As deputies were closing in on where the shots were coming from, the shooting stopped and deputies were unable to determine who the suspect was due patrons fleeing the scene. While deputies were securing the scene we were informed that a security guard had been shot in the head. Cpl. Bonds and Dep. Wolfe located the security guard (Timothy Walker) laying on the ground in front of the front door of the Hookah Lounge. RCEMS was advised and responded to the scene. The victim was then transported to Prisma Richland Hospital. Dep. Wooten also responded

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105007102

Incident #: 2105007102

to the hospital with the victim. The scene was then secured and a crime scene log was initiated. Due to the numerous patrons crowding the scene additional units were requested by Cpl. Bonds for crowd control. Region 3 deputies responded as well as several CPD units (case#210010896). CID Inv. Hinson responded to the scene and Inv. Raymond responded to the hospital. CSI Prichard responded to process the scene. No deputies were injured during the incident. No other victims were identified from the incident.

Author Name: Dep. A. Bonds

Body Worn Camera: ON

Officer (2)

Approving Officer: Rosenberger, John (1626) 05/03/2021 02:47:55

Reporting Officer: Bonds, Alston (1752) 05/02/2021 04:55:00

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105013108

Incident #: 2105013108

Event

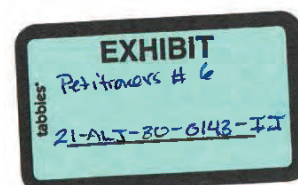
2700 Broad River Rd SC SOUTH CAROLINA 29203

Incident Description: AGGRAVATED ASSAULT
Incident Start Date: 05/08/2021 03:00:00
Incident End Date: 05/08/2021 05:00:00
Reported Date: 05/08/2021 10:47:57
City: COLUMBIA
Region Grid: REGION 4, 15
Region: REGION 4
Day of Incident: SATURDAY
Date Dispatch: 05/08/2021 10:47:00
Date Arrive: 05/08/2021 11:00:00
Date Depart: 05/08/2021 12:00:00
Weapon Code:
Case Status: ACTIVE
Exceptional Clearance: NOT APPLICABLE
How Reported:
NCIC Entered: No

Suspects (1)

Unknown,

Person Number: 00
DOB:
Apt/Rm/Bldg:
Primary Phone:
Email:



RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105013108

Incident #: 2105013108

Victim (1)

GRANT, BRADLEY

Relationship To Offender:	Unknown , RELATIONSHIP UNKNOWN
Victim Type:	PERSON / INDIVIDUAL (NOT A LAW ENFORCEMENT OFFICER)
Person Number:	1
DOB:	01/30/1990
Age:	31
Race:	BLACK OR AFRICAN AMERICAN
Sex:	MALE
Ethnicity:	NOT HISPANIC OR LATINO
Agg Assault Circumstances:	UNKNOWN CIRCUMSTANCES
Injuries:	Other Major Injury
Address:	40 Peachtree Valley Rd
Apartment:	1609
City:	Atlanta
State:	GA GEORGIA
Zip Code:	30309
Primary Phone:	(803)-414-6815
Email:	
Resident Status:	JURISDICTION
Eye Color:	BROWN
Hair Color:	BLACK
Height:	602
Weight:	145
Suspected Of Using:	Not Applicable

Offenses (1)

000050 AGGRAVATED ASSAULT (LYNCHING,AFFRAY)

UCR/NIBRS Code:	13A AGGRAVATED ASSAULT
Counts:	1
Attempted/Completed:	Completed
Completed:	Yes
Units Entered:	
Bias Motivation:	NOT A BIAS MOTIVATED INCIDENT
Premise Type:	BAR/NIGHTCLUB/LOUNGE
Offender Suspected of Using:	Not Applicable
Cargo Theft:	
Types of Criminal Activities/Gang Info:	NO GANG INVOLVEMENT
Weapon/Force Involved and Automatic:	FIREARM

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105013108

Incident #: 2105013108

Vehicle (0)

Style:

Type Of Loss:

Property (0)

Property Class:

Drug (0)

Property Class:

Narrative (1)

Hampton, Emily 1868

05/08/2021

On the date and time above, R/O responded to Prisma Richland Hospital in reference to a shooting victim. R/O was informed by CPD that they had received a call of a shooting victim early this morning, but had been unable to ascertain where the incident occurred until much later. Upon arrival, R/O made contact with the victim, Mr. Grant. Vic was in ICU room 618 and stable, but groggy. The victim stated he had gone to the Hookah Bar with a couple friends, "Q" and Ricky Taylor. The victim stated he did not know what happened but he was inside the club, there was commotion and he felt that he had been shot in the stomach. The victim stated someone from the Hookah bar drove him to the hospital. The victim stated neither himself nor his friends were having any arguments with anyone and he did not know who could have shot him.

RCSO received no calls of shots fired or any shooting incident from the Hookah overnight.

R/O spoke with the nurse who stated the bullet was still inside the victim.

R/O advised Desk SGT Culp of the incident. R/O made contact with CID SGT Galinski and Inv. Guyon responded to the hospital.

The number listed for the victim is for his mother, Debra Grant, because CPD had already placed his phone and property into evidence and no one knew the number for his new phone.

Body Worn Camera: ON

Author Name:

Officer (2)

Reporting Officer: Hampton, Emily (1868) 05/08/2021 13:29:00

Approving Officer: Stoker, Robert (1497) 05/08/2021 18:52:56

RICHLAND COUNTY SHERIFFS DEPT

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2105013108

Incident #: 2105013108

Petitioner's Exhibit No. 7 – Security Video

*(Pursuant to Rule 210, SCACR, Video is available
upon request of Clerk of Court of Appeals)*

2021 MAY -8 PM 3:39

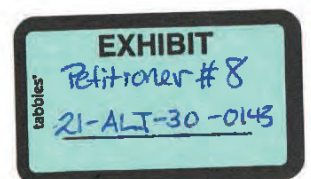
STATE OF SOUTH CAROLINA

County of Richland

SEARCH WARRANT

Date: 5 8 21.

Officer: Inv Guyon



STATE OF SOUTH CAROLINA}

SEARCH WARRANT

COUNTY OF RICHLAND }

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF _____:

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

2700 Broad River Rd, Columbia, SC 29210, Richland County (The After Hookah & Lounge)

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Anything of evidentiary value, known or unknown, related to the assault on Bradley Grant, as reported under RCSD case #2105013108, to include but not limited to fired and unfired cartridge casings, blood, and video surveillance.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

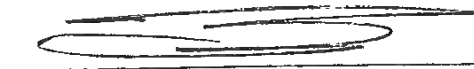
A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable, in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Columbia, S.C.

May 8th, 2021


Signature of Judge Twine 7427 C.S.

STATE OF SOUTH CAROLINA}

COUNTY OF RICHLAND }

AFFIDAVIT

Personally appeared before me, one Inv W Guyon who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County: Richland

DESCRIPTION OF PROPERTY SOUGHT

Anything of evidentiary value, known or unknown, related to the assault on Bradley Grant, as reported under RCSD case #2105013108, to include but not limited to fired and unfired cartridge casings, blood, and video surveillance.

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

2700 Broad River Rd, Columbia, SC 29210, Richland County (The After Hookah & Lounge)

**REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

On 5/8/21, Deputy Hampton responded to Prisma Richland Hospital in reference to a victim suffering from a gunshot wound. Deputy Hampton arrived and made contact with the victim, Bradley Grant, who stated he had been shot once in the stomach while inside the business of The After Hookah & Lounge at 2700 Broad River Rd Columbia, SC 29210. I/O responded to the hospital and spoke with Bradley, who was in the ICU at the time. Bradley stated he arrived at the lounge with two friends at approx. 0400 and that he was shot approx. 30 minutes later. Bradley's friend then drove him to Prisma Richland Hospital. The hospital has Bradley on record as being checked in there at 0455. The caliber of the firearm is unknown at this time and video surveillance for the lounge is believed to exist and will further the investigation. A search warrant is necessary in order to locate, protect, and obtain any evidence that will further this investigation.

Sworn to and Subscribed before me }
this 8th day of May, 2021 }

[Signature] (L.S.) }
Signature of Judge T. Wind 7427

[Signature]
Affiant

Address Richland County Sheriff's Department:
5623 Two Notch Road, Columbia, S.C. 29223
Phone (803) 576-3000