

VOLUME THREE OF THREE

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Larry B. Hyman, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROBERT PALMER,

APPELLANT

APPELLATE CASE NO. 2011-203766

RECORD ON APPEAL

ROBERT M. PACHAK
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

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Assistant Deputy Attorney General

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Columbia, SC 29211
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Attorneys for Respondent

RECEIVED

JAN 14 2012

SC Court of Appeals

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THE FOLLOWING EXHIBITS ARE BEING TRANSPORTED TO THIS COURT:

- STATE'S EXHIBIT #64 (CD – PALMER STATEMENT)**
- STATE'S EXHIBIT #65 (CD – GORMAN STATEMENT)**

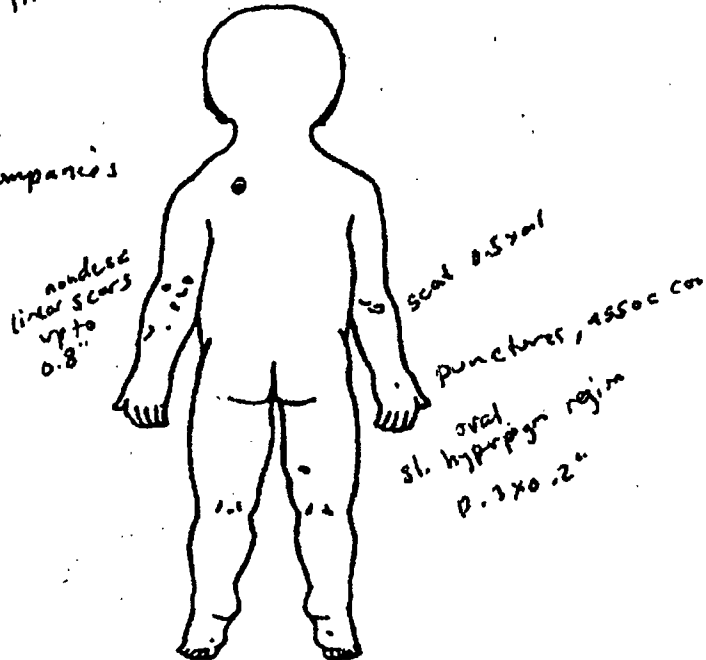
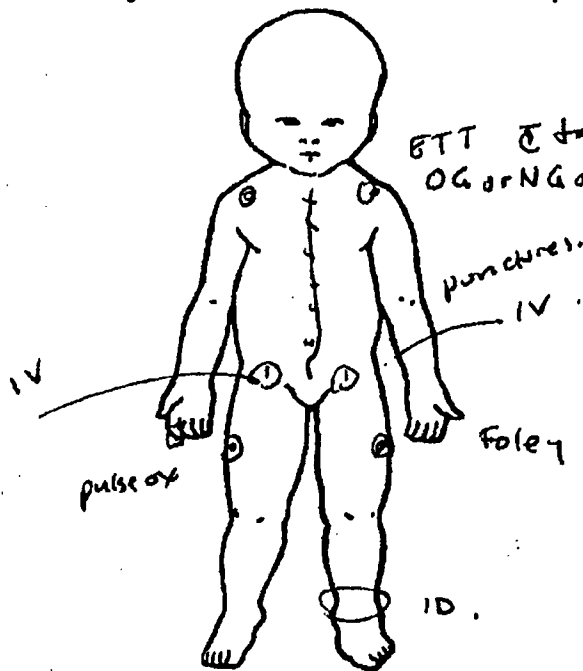
Temp cold
 Rigor 1-2/4
 Livor minimal post.
 alp Hair blond 1.9"
 -res brown, sl cl, =
 Ears ok.
 Nose ok.
 Lips ok

Teeth appropriate
 Palate ok
 Neck ok
 Chest flat
 Abdomen flat (heavest)
 Palms ok creases
 Genitalia or edematous scrotum
 Anus patent, atraumatic.

GRIMES, RICHARD A
 GRIMES, RICHARD A
 FA-00-00486
 07/19/08
 DR SCHANDL/MARTIN/KB

generalized ST
 swelling.

sutured midline
 incision 9 1/2"



healing abs
 early scar
 0.3 x 0.2"



External Measurements	
Weight	21 lb 2oz
Crown-Heel	80
Crown-Rump	51
Head Circumference	48.5
Thorax Circumference	48.5
Abdomen Circumference	39
Foot Length	12
Anterior Fontanel	palp
Posterior Fontanel	closed
Umbilical Cord Dimension (Fetus)	n/a

Brain, superior, interior, and lateral views

Name _____

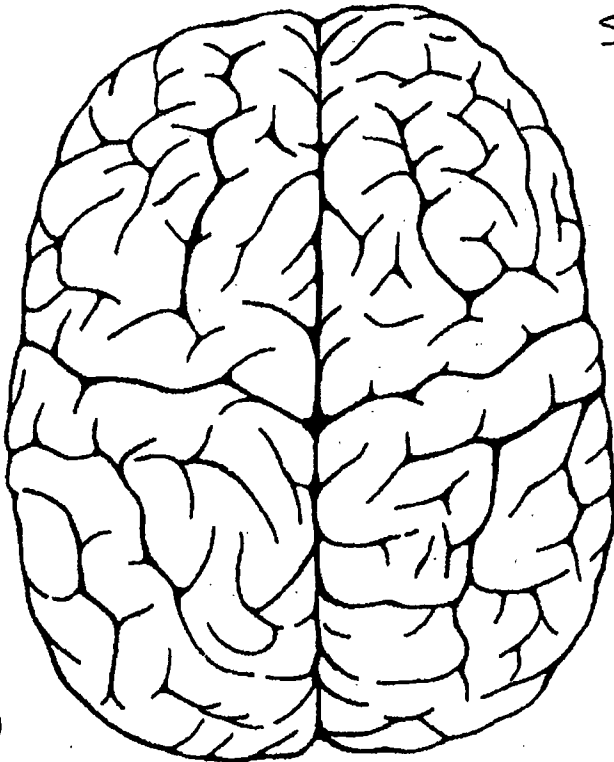
Autopsy No. _____

Eye Age _____

Race _____

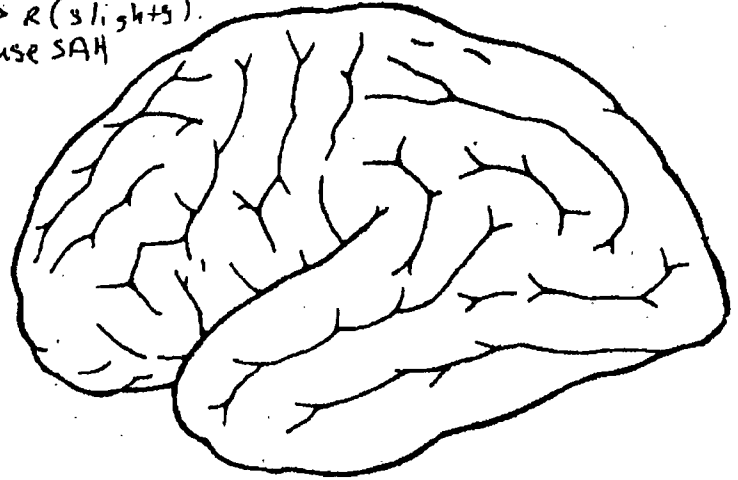
Sex _____

Date 1 / 1

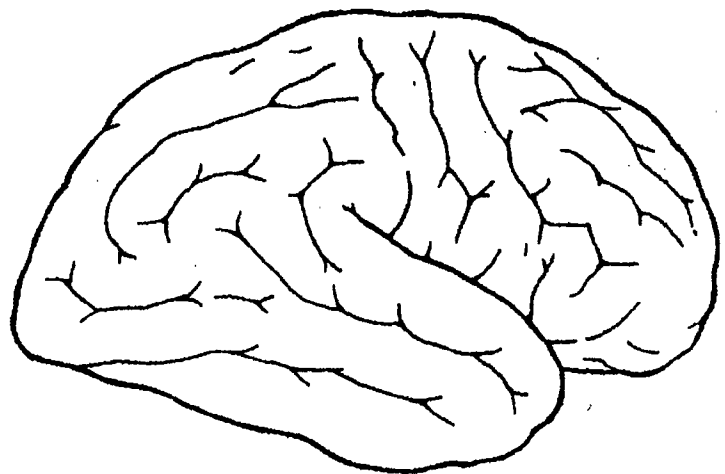
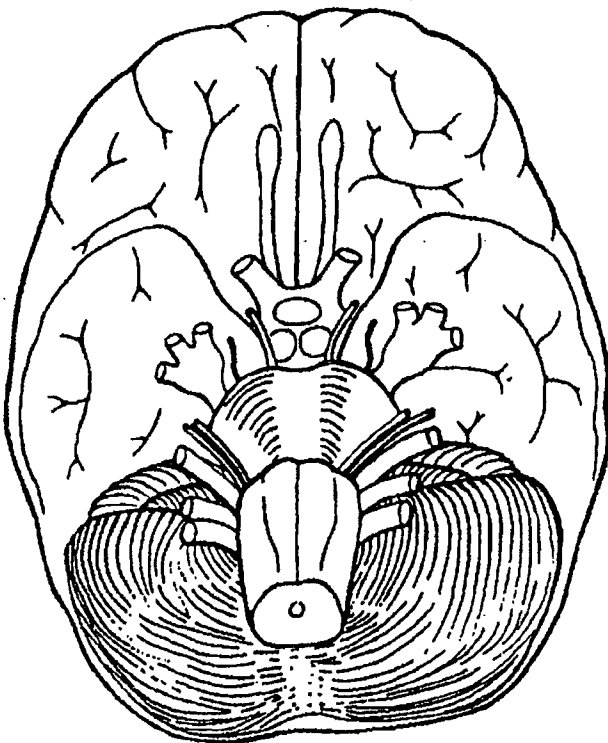


SDH (B)
"thin" layer up to
0.5cm in the lens.
L > R (slightly).
diffuse SAH

diffuse gyral swelling /
sulcal narrowing



SDH supratentorial
L ant/middle cranial fossae
(B) parietal.
vmt = 30ml



GRIMES, RICHARD A
GRIMESRICH

AHOR



FA-08-00486

07/19/88

1003

JSBI
7/17/08 104P

iSeries Timekeeper: Bass Pro Shops
PUNCH DETAIL HISTORY
7/11/08 THRU 7/13/08

CLK100P
PAGE: 1

Department: 461025 OW-MYR CASHROOM CLERK

0003

DAY	DATE	---ROUNDED---		DAILY NOTES	---ACTUAL---		--SCHEDULED--		PAY CODE	HOURS	AP	LABOR LVLS	TOTAL HOURS	
		IN	OUT		IN	OUT	IN	OUT						

EMPLOYEE:	463180	Gorman, Julia S			PAY PERIOD RULE: D1				REGULAR FULL TIME					
FRI	7/11/08	500A	500P	D1	500A	505P				12.00	0	MB6.461025.1AB029.	12.00	
SAT	7/12/08	500A	300P	D1	459A	300P				10.00	0	MB6.461025.1AB029.	22.00	
SUN	7/13/08	600A	100P	D1	557A	106P				7.00	0	MB6.461025.1AB029.	29.00	
TOT HRS:	29.00	WORKED		29.00	NON-WORKED		.00	PAID		29.00	NON-PAID	.00	ADJUST	\$.00
HOURS BY PAY CODE		REGULAR			22.00		OVERTIME		7.00					

** TOTALS Department: 461025														
TOT HRS:	29.00	WORKED		29.00	NON-WORKED		.00	PAID		29.00	NON-PAID	.00	ADJUST	\$.00
HOURS BY PAY CODE		REGULAR			22.00		OVERTIME		7.00					
** FINAL TOTALS														
TOT HRS:	29.00	WORKED		29.00	NON-WORKED		.00	PAID		29.00	NON-PAID	.00	ADJUST	\$.00
HOURS BY PAY CODE		REGULAR			22.00		OVERTIME		7.00					

BASS PRO HR

07/17/08 13:39 FAX 417 865 8812



6/27/10 352P

KRONOS TIMEKEEPER
PUNCH DETAIL HISTORY
SORT BY WORKED FIELDS
7/14/08 THRU 7/14/08

PAGE: 1

002/002

Department: 461025 MQ4 NYR CASEROOM CLERK

DAY	DATE	---ROUNDED---		DAILY NOTES	---ACTUAL---		---SCHEDULED---		PAY CODE	HOURS AP	Labor Lvl	TOTAL HOURS	
		IN	OUT		IN	OUT	IN	OUT					
EMPLOYEE: 463100 Gorman, Julia S													
PERIOD RULE: D1 REGULAR FULL TIME													
MON	7/14/08	600A	345P	D1	600A	342P				9.75	9	MS6.461025.LAB029.	9.75
JT HRS:		9.75	WORKED		9.75	NON-WORKED		.00	PAID	9.75	NON-PAID	.00	
HRS BY PAY CODE			REGULAR		9.75								
* TOTALS Department: 461025													
JT HRS:		9.75	WORKED		9.75	NON-WORKED		.00	PAID	9.75	NON-PAID	.00	
HRS BY PAY CODE			REGULAR		9.75								
* FINAL TOTALS													
JT HRS:		9.75	WORKED		9.75	NON-WORKED		.00	PAID	9.75	NON-PAID	.00	
HRS BY PAY CODE			REGULAR		9.75								

Bass Pro Shops H/R

04/27/2010 15:55 FAX 417 865 8012

1004

STATE OF SOUTH CAROLINA

IN THE FAMILY COURT
15TH JUDICIAL CIRCUIT

COUNTY OF Horry

FAMILY COURT ORDER

AMANDA L. PALMER

2006 SEP 27 PM 12:28

PROTECTION FROM DOMESTIC ABUSE ACT

(For Use By Family Court Judges)

Petitioner

vs.

Clerk of Court

ROBERT A. PALMER

Respondent

FILE NO.	2006 DR 26 2096
Judge:	BERRY MOBLEY
Attorney for Petitioner:	BARBARA PRATT
Attorney for Respondent:	IRBY WALKER
Court Reporter:	SANDRA ALLEN

PETITIONER IDENTIFIERS

[Redacted]

Date of Birth of Petitioner

And/or on behalf of minor family member(s) or other Protected persons: (list name and DOB)

RESPONDENT IDENTIFIERS

SEX *	RACE *	DOB*
M	W	[Redacted]
EYES	HAIR	SOCIAL SECURITY #
GREEN	BRN	[Redacted]
DRIVERS LICENSE #	STATE	
Relationship to Petitioner:	HUSBAND	

Respondent's Address

CAUTION:

- Weapon Involved
- Weapon Present on Respondent's Property
- Access to Weapons

*Indicates required information for entry into NOIC

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, Respondent has been provided with reasonable notice and opportunity to be heard. Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

- That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.
- That the above named Respondent be restrained from any contact with the Petitioner/Plaintiff as set forth on the attached pages.

The terms of this order shall be effective until MARCH 25, 2007.

WARNINGS TO RESPONDENT:

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

843-248-1521 Sheriff

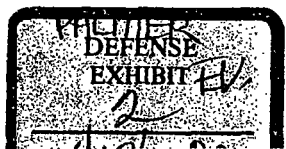
843-915-5080

Clerk of Court

Phone Number

Phone Number

SCCA/426ABCD (03/05)



Handwritten signature

Handwritten initials and scribbles

CLERK OF COURT
Horry County
Theresa Higgins-Blair

CERTIFIED COPY

A Petition for Order of Protection was filed on August 7, 2006. I held a hearing on September 26, 2006. Respondent was given actual notice and an opportunity to participate. Respondent did appear. After hearing the evidence, and examining the affidavits and verified pleadings, I have determined that the petition should be GRANTED, based on these facts:

1. That the Respondent and the Petitioner (check one or more):

- are husband and wife
- were husband and wife
- have this child/children in common:
- are household or family members pursuant to S.C. Code § 20-4-20(a)(2)
- are cohabiting
- were cohabiting

2. Venue is properly in this county, since this is the county where

- a. the act of abuse occurred; or
- b. the Respondent resides; or
- c. the parties last resided together.

3. Abuse occurred on (date) August 6, 2006 at 2:00 o'clock a. m. at Mill Pond Rd., Myrtle Beach in this manner:

The Defendant agrees to the entry of the Order of Protection without finding of threat or abuse

- 4. committed this abuse.
- 5. was the victim(s) of this abuse.

Check here if the victim is less than 18 years old and name: _____

6. The evidence establishes that Respondent represents a credible threat to the physical safety of the victim. The Respondent used, attempted to use, or threatened to use physical force against Petitioner that is reasonably expected to cause bodily injury.

7. The Petitioner is a fit and proper person to have custody of the minor child or children.

8. Respondent is employed at _____ and earns approximately \$ _____ gross per month and has reasonable monthly expenses of \$ _____

9. Petitioner is employed and earns approximately \$ _____ gross per month, and has reasonable monthly expenses of \$ _____ for herself and the minor children.

10. Petitioner has shown a need for child support in the amount of \$ _____ per _____ and Respondent has the ability to make these payments.

11. Petitioner has shown a need for temporary financial support in the amount of \$ _____ per _____ and Respondent has the ability to make those payments.

12. Petitioner should have the use and possession of the home and furnishings located at _____ in _____, S.C., with Petitioner making the mortgage and/or rental payments plus any taxes and/or insurance on the property.

13. Petitioner retained an attorney, \$ _____ is a reasonable attorney's fee, and Respondent should contribute to this expense.

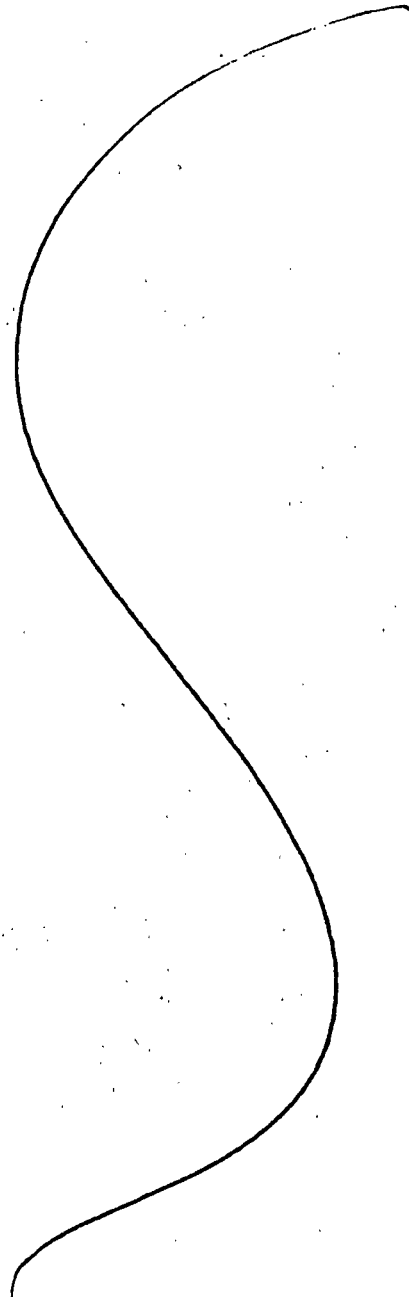
14. Other: The Petitioner requests sole use and possession of the 1998 Toyota Forerunner.

IT IS THEREFORE ORDERED THAT:

- A. Respondent is temporarily restrained, prohibited and forbidden to abuse, threaten to abuse, or molest, Petitioner or engage in any other conduct that would place Petitioner in reasonable fear of bodily injury.
 - B. Respondent is temporarily restrained and prohibited from using, attempting to use, or threatening to use physical force against Petitioner that would reasonably be expected to cause bodily injury.
 - C. Respondent is temporarily restrained, prohibited and forbidden to communicate or attempt to communicate with Petitioner/Respondent in any way or to enter or attempt to enter Petitioner's place of residence, employment, education or the following locations: _____
 - D. Petitioner is awarded temporary custody of the minor children named: Dylan Palmer, 2/5/03.
 - E. Respondent is awarded temporary visitation rights with the minor children as follows: LIBERAL AS AGREED UPON BY PARTIES; at least, Every other weekend from Friday, 6:00 pm until Monday morning daycare delivered by the Defendant's Mother. Communication through Defendant's Mother.
 - F. Respondent shall pay the sum of \$ 125.00 each week as temporary child support through the clerk of court, plus 5% court costs, making a total payment of \$ 131.25, commencing on October 6, 2006, and each and every week thereafter.
 - G. Respondent shall pay the sum of \$ _____ each _____ as temporary financial support through the clerk of court, plus 5% court costs, making a total payment of \$ _____, thereafter commencing on _____, and each and every _____ thereafter.
 - H. The sole, exclusive possession of the residence and furnishings located at the aforementioned address (appearing under number "12" of this order) is awarded to Petitioner with Petitioner making the mortgage and/or rental payments plus any taxes and/or Insurance on the property.
 - I. ^{PARTIES} Respondent is temporarily restrained, prohibited, and forbidden to transfer, encumber, destroy, sell or otherwise dispose of, except in the ordinary course of business, real or personal property jointly owned or leased by the parties or in which ~~Petitioner~~ ^{PARTIES} claims an equitable interest including, but not limited to, the following: _____
 - J. Respondent shall pay \$ _____, to the Petitioner by _____ (date) as a contribution toward Petitioner's attorney fees.
 - K. The following law enforcement agencies be served with a copy of this Order by the clerk of court: HORRY COUNTY POLICE
 - L. The law enforcement agencies listed below are directed to assist Petitioner as follows:
 - (1) Accompany Petitioner to remove her personal property at:
 - (2) Accompany Petitioner to assist in placing her in possession of the residence, located at:
 - (3) Other:
- RESPONSIBLE LAW ENFORCEMENT AGENCIES:
- M. IT IS FURTHER ORDERED, pursuant to S.C. Code Ann. § 20-7-420-, that The Petitioner shall have sole use and possession of the 1998 Toyota Forerunner..
 - N. Federal Firearms Prohibition, pursuant to 18 U.S.C § 922.
 1. Does this Order protect an intimate partner, a child of an intimate partner, or a child YES NO Respondent?
 2. Did the person restrained have actual notice and an opportunity to participate in the hearing? YES NO
 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, YES NO

Handwritten signature and number 3

attempted use, or threatened use of physical force?



~~Star~~ fl

THE PROVISIONS OF THIS ORDER SHALL EXPIRE ON March 25, 2007 (a date which is not less than 6 months and does not exceed 12 months from the date of this Order) UNLESS OTHERWISE PROVIDED BY S.C. CODE ANN. §20-4-70.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY NOT MORE THAN THIRTY DAYS IN JAIL AND A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS OR MAY CONSTITUTE CONTEMPT OF COURT PUNISHABLE BY UP TO ONE YEAR IN JAIL AND/OR A FINE NOT TO EXCEED FIFTEEN HUNDRED DOLLARS.

AND IT IS SO ORDERED.
September 26, 2006 Date
CONWAY, SC


FAMILY COURT JUDGE

COPY GIVEN TO PETITIONER BY _____ (initials) COPY GIVEN TO RESPONDENT BY _____ (initials)
RESPONDENT'S HOME ADDRESS: _____, Conway, SC
RESPONDENT'S PLACE OF EMPLOYMENT: _____

Information which may be of assistance to law enforcement: Respondent's height 507 weight 195 DL number

ATTACH PHOTOSTATIC COPY OF RESPONDENT'S DRIVERS LICENSE, IF AVAILABLE.

DOCKET NO. 2010-GS-26- 0295

WITNESSES

David Weaver Horry County Police Department

The State of South Carolina

County of Horry

Candice Lively

08H03111

COURT OF GENERAL SESSIONS

May, 2010 TERM

ARREST WARRANT NUMBER

2010GS2602195

CDR: 2357 16-03-0085(A)(2)

DOA: 7/18/2008

THE STATE

vs.

Robert Andrew Palmer

W/M

DOB: [REDACTED]

SSN: [REDACTED]

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: MAY 27 2010

ATTORNEY: Grabert-Lowenstein, Carla F.

VERDICT

Indictment for

HOMICIDE BY CHILD ABUSE

Aiding and Abetting

J. Gregory Hembree, Solicitor

Foreperson of Petit Jury
Date:

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT


At a Court of General Sessions, convened on May 27, 2010, the Grand Jurors of Horry County present upon their oath:

HOMICIDE BY CHILD ABUSE
Aiding and/or Abetting
CDR: 2357 16-03-0085(A)(2)

2314

That Robert Andrew Palmer did in Horry County, from on or about July 14, 2008, through July 16, 2008, knowingly aid and abet another to commit child abuse and neglect upon **Victim** (MINOR), a seventeen (17) month old child, resulting in his suffering severe fatal injuries and death as a result of those injuries, his subsequent death declared on July 16, 2008, in violation of Section 16-03-0085(A)(2), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. GREGORY HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

DOCKET NO. 2010-GS-26-021916

WITNESSES

David Weaver Horry County Police Department

CH

The State of South Carolina
County of Horry

Candice Lively 08H03111

COURT OF GENERAL SESSIONS

May, 2010 TERM

ARREST WARRANT NUMBER

2010GS2802196
CDR: 2358 16-03-0085(A)(1)
DOA: 7/18/2008

THE STATE

vs.

Robert Andrew Palmer
W/M
DOB: [REDACTED]
SSN: [REDACTED]

ACTION OF GRAND JURY

TRUE BILL

Matthew Strom

Foreperson of Grand Jury
Date: MAY 27 2010

ATTORNEY: Grabert-Lowenstein, Carla F.

VERDICT

Indictment for

HOMICIDE BY CHILD ABUSE

J. Gregory Hembree, Solicitor

Foreperson of Petit Jury
Date:

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT


At a Court of General Sessions, convened on May 27, 2010, the Grand Jurors of Horry County present upon their oath:

HOMICIDE BY CHILD ABUSE

CDR: 2356 16-03-0085(A)(1)

That Robert Andrew Palmer did in Horry County, on or about July 14, 2008, inflict fatal injuries that subsequently caused the death of **Victim** (MINOR) a seventeen (17) month old child, while committing child abuse or neglect, and the child's death occurred under circumstances manifesting an extreme indifference to human life; the child's death resulting from these injuries declared on July 16, 2008, in violation of Section 16-03-0085(A)(1), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 J. GREGORY PEMBREE
 FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

David Weaver Horry County Police Department

DOCKET NO. 2008-GS-26- 4120

The State of South Carolina
County of Horry

Candice Lively

08H03111

COURT OF GENERAL SESSIONS

OCTOBER, 2008 TERM

ARREST WARRANT NUMBER

J812054

CDR: 2481 20-07-0050

DOA: 7/18/2008

THE STATE

vs.

Robert Andrew Palmer

W/M

[REDACTED]

DOB: [REDACTED]

ACTION OF GRAND JURY

[REDACTED]

Foreperson of Grand Jury
Date:

OCT 30 2008

ATTORNEY: Wilson, Jr., Ralph J

VERDICT

Indictment for

**UNLAWFUL CONDUCT
TOWARDS A CHILD**

J. Gregory Hembree, Solicitor

Foreperson of Petit Jury
Date:

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT


At a Court of General Sessions, convened on October 30, 2008, the Grand Jurors of Horry County present upon their oath:

UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 20-07-0050

That **ROBERT ANDREW PALMER** did in Horry County on or about July 11, 2008, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child, **Victim**, age seventeen months, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 20-7-50, S. C. Code of Laws, 1976, as amended.

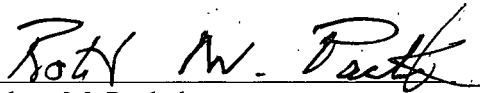
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. GREGORY HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

January 14th, 2013



Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
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ATTORNEY FOR APPELLANT