STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Larry B. Hyman, Jr., Circuit Court Judge
Appellate Case Tracking No. 2011-203707

The State, Respondent,

vs.

Julia Gorman, Appellant.

INITIAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

I. The trial court properly admitted Appellant's statements. The court properly concluded the statements were knowing and voluntary. Further, any issue related to the sequence of events and the giving of the Miranda warning is not preserved for review on appeal and is entirely without merit.

II. The trial court properly denied Appellant's motion for directed verdict.

STATEMENT OF THE CASE

The State agrees with Appellant's procedural Statement of the Case.

STATEMENT OF FACTS

Appellant and her co-defendant were indicted for homicide by child abuse for inflicting fatal injuries to the seventeen-month-old grandson of Appellant. Appellant and her co-defendant lived together for approximately four years. They came into custody of the child after the child's mother had to leave him with them in order to attend to business out of town prior to reuniting with the child's father. (T.206-211; R.___).

Appellant's daughter also indicated her mother did not handle stress well and would let things bottle up. Her daughter testified Appellant would go into a fit of rage once the anger was "uncorked." (T.246-247; R.___).

Prior to the mother leaving, the child was taken to the doctor due to ant bites and congestion from allergies. He was given medication and was scheduled to return later for immunizations. (T.205-207; R.___). The treating doctor indicated the toddler looked normal at the time of the examination and treatment. (T.269-270; R.___).

On July 14, Lt. Rainbolt with the Horry County Fire and Rescue arrived as a result of the 911 call from Appellant. (T.300-301; R.___). He testified Appellant's co-defendant was holding the child on the couch when he arrived and he could tell the child was in grave condition. (T.302-303; R.___). The child was given over to Erica Rosenthal a paramedic that arrived. Rosenthal testified the child had a right sided gaze and appeared to be having a seizure. (T.318; R.___). Appellant told Rosenthal the victim had been whiny and lethargic since the any bites. Memorably to Rosenthal, Appellant also told her the Appellant had "raised several children in her lifetime and never seen such a bad one." (T.321-322; R.___).

The emergency room nurse and the doctor who saw the toddler both testified his condition was critical. (T.329; R.___). The nurse indicated Appellant seemed "very anxious, pacing back and forth in front of the bed, seemed very upset." She also testified when the victim would have a seizure Appellant's co-defendant wanted to approach the bed to hold the child's hand and talk to him to get him settled down. Appellant did not do the same at first, but only later on. (T.332; R.___). They both indicated he was posturing due to the head trauma. A CAT scan was done and revealed skull fractures and bleeding in the brain. Dr. Cacace testified it would have to be "tremendous force to the skull" to cause the type of injury seen in the toddler. (T.358; R.___). He testified the injury was not accidental. (T.362; R.___). The victim was transferred by helicopter to MUSC for more specialized care. (T.362-363; R.___).

Dr. Roberts, a neuro-radiologist with the Medical University of South Carolina (MUSC), testified the toddler suffered blood around the brain, severe swelling of the brain, loss of the gray-white differentiation which indicated dead brain tissue, and severe fractures. (T.406; R.___). She testified both sides of the skull were fractured by severe traumatic force. (T.409-410; R.___). She indicated the fractures were caused by a force similar to falling out of a three story window or being involved in a motor vehicle accident. (T.416-417; R.___). She indicated the toddler was in a condition from which she would expect no meaningful recovery. (T.411; R.___).

Dr. Roberts also testified the injury was acute, or very recent. She testified as a result of the injury, the toddler would have lost the ability to function normally. (T.413-415; R.___). She testified a person with the type of injury sustained by the toddler would be immediately and severely symptomatic. She said the child would lose consciousness,

have altered breathing, seizures, and would not be able to move or have other normal functions. (T.419; R.___). She testified the injuries could only have occurred the day the child presented to the emergency room. (T.420-421; 434-435; R.___). She testified she would expect symptoms of the injury to be seen, and, if the child was sleeping normally around 4:30 when checked on, then she expected the injuries occurred after that time. (T.427-428; R.___).

Dr. Abel, the Director of the Violence Intervention and Prevention Division in the pediatric department of MUSC, testified she was called in to examine the toddler. She testified she took some background history from Appellant and Appellant's co-defendant. She testified she examined the child and his CT scans. Dr. Abel testified the fractures of the child's skull were similar to a cracked pot and indicated it appeared to be caused by severe forceful impact against a hard surface. She testified the blows were to both sides of the head. Dr. Abel indicated the degree of force used was "massive." (T.516; R.___). Dr. Abel also testified to bruising on the child, including several suspicious bruises in locations it would be unlikely the toddler accidentally received the bruise. (T.519-522; R.___). Dr. Abel testified anyone seeing the force being applied to the child would "perceive this was tremendous force." (T.534; R.___).

As part of the background, Dr. Abel testified Appellant indicated the victim had severe developmental problems and behavioral problems. Appellant described a child to her that could only say one word, was clingy and whiny, and wanted to be held all the time. Dr. Abel testified the detailed pediatrician notes from when the child was in the custody of its mother indicated otherwise. She testified at nine months the child was saying multiple words and that his development was normal. (T.534-535; R.___).

Dr. Abel testified the injury to the child occurred sometime the day he presented to the emergency room. (T.553-554; R.___). She also testified the injury had to occur after people looked at the child and believed him to look normal. (T.554; R.___). Dr. Abel testified based on the information provided by Appellant and her co-defendant about the child napping and appearing normal, the injury occurred within three hours of the victim being taken to the hospital. (T.556-557; R.___).

Marsha Bessant, a friend of Appellant and Appellant's co-defendant testified Appellant was very stressed over financial issues. She also testified Appellant would not remove her co-defendant from the checking account even though he was spending the money she earned and would be out at night instead of home when Appellant cooked. (T.583-585; R.___). In jail, Appellant asked for pictures of her co-defendant and seemed only concerned with how her co-defendant was doing. (T.593-594; R.___).

Yvette Brown, an investigator with DSS, interviewed Appellant after viewing the victim at MUSC. She testified Gorman told her the child was "cranky, he looked underweight, undernourished, and that his head had a squishy feel to it like it didn't have bone structure." (T.513; R.___). She thought the comment seemed a little "odd."

Detective Troxell interviewed and took a statement from both Appellant and Appellant's co-defendant. Appellant's co-defendant indicated Appellant woke up about 4:45 am and left for work in the early morning. (Oct T. 62; R.___). Appellant's co-defendant indicated he woke the child up about 9:30 am and fed him. He testified he fed him lunch about noon, and then put him down for a nap about 3:30pm. (Oct T. 63-64; R.___). He stated Appellant arrived home at about 4:15 pm and they both went to the edge of the door to check on the victim who was still down from his nap. (Oct T.64-65;

R.___). They ate dinner before waking up the toddler. Appellant went into the room and found him having a seizure. (Oct T.65-66; R.___).

Appellant also gave a statement to Detective Troxell on July 18. She initially began discussing the days after the child was taken to the hospital along with some family background and history. (Oct T. 104-107; R.___). She was then read her Miranda rights by Detective Troxell. (Oct T.117-119; State's Exhibit 67; R.___). After reading Appellant her Miranda rights, the officers questioned her regarding the events leading up to the injuries sustained by the victim.

Appellant stated she got up about 4:30-4:45 am and checked on the victim as she left. She stated he was sleeping. (Oct T. 119; R.___). She arrived home between 4:00 and 4:30pm and checked on the minor victim. (Oct T. 120; R.___). He appeared to be sleeping. (Oct. T. 120-121; T.737-739; R.___). She explained they then ate dinner, and after dinner, her co-defendant took the dog out while she went into the toddler's room to wake him up. (Oct. T. 121; R.___). It was then she found him making strange noises with saliva running from his mouth. (Oct. T. 121; R.___).

Appellant was asked directly: "So Sometime between, something happened between four and six-fifteen, didn't it, because when you went in at six-fifteen he was salivating, okay?" Appellant responded: "Because, you know, when we checked on him and everything, well I checked on him even after four and he was fine so, so anywhere between dinner time, you know, as we were eating dinner until by six, whatever time I called 911." (Oct. T. 121; T. 739-740; R.___). She acknowledged only her and her co-defendant cared for the minor victim in the days leading up to his death. (Oct T.130; T.748; R.___). Detective Trexell noted the only tears he saw from Appellant during her

statement were when he mentioned the possibility of going to jail. (Oct T.131; 137; T. 750; 755; R.___).

When questioned about the possibility of shaking the child out of frustration, Appellant stated: "I don't think hard, I don't believe I - -." (Oct. T. 163; T.781; R.___). She stated at one point: "I don't know if I shook him hard, I don't know, I don't." She later stated: "If, if I shook him I swear to you I don't believe I shook him hard, you know. I don't think I have that much, I don't know." (Oct T.171; T.789; R.___). Both Appellant and her co-defendant claimed ignorance of what happened to the child.

The victim died on July 16, after his mother and father decided to donate his organs. Dr. Schandl, a forensic pathologist with MUSC, testified the toddler had fractures on both sides of his skull. She testified the cause of death was inflicted blunt head trauma. (T.487; R.___). She testified the manner of death was homicide. (T.488; R.___). Prior to his death, the victim's parents had him baptized. Appellant's daughter begged Appellant to attend, but Appellant said she had other things to do. (T.160-162; R.___).

ARGUMENT

I. The trial court properly admitted Appellant's statements. The court properly concluded the statements were knowing and voluntary. Further, any issue related to the sequence of events and the giving of the Miranda warning is not preserved for review on appeal and is entirely without merit.

Appellant contends the trial court erred in admitting her July 18 statement to Detectives Trexell and Weaver. She contends: 1) The first part of her statement was made while during custodial interrogation and without her Miranda[1] warnings being read; 2) The second portion of her statement, after Miranda warnings were given, was improperly admitted because it was tainted an inadmissible under Missouri v. Seibert, 542 U.S. 600 (2004) and State v. Navy, 386 S.C. 294, 688 S.E.2d 838 (2010); and 3) The statement as a whole was involuntary given the conditions under which it was given and Appellant's mental and physical state. The first two issues are clearly not preserved for review on appeal as the only issue ever raised to the trial court related to the knowing and voluntary nature of the statement given Appellant's lack of sleep, her taking of medication, and being out the night before. Further, the issues fail on their merits.

Preservation

During the Jackson v. Denno[2] hearing regarding the admission of the statements, the only objection made by Appellant's counsel was to the voluntariness. (Oct. T. 195-196; R.___). At trial, when the court asked for objections to the admission of the statement, Appellant's counsel merely stated: "We had previously placed our objection but subject to that." At no time did he object to any part of the statement coming in for

[1] 384 U.S. 436 (1966).
[2] 378 U.S. 368 (1964).

lack or Miranda, nor did he object to the post-Miranda portion being tainted or inadmissible under Navy or Seibert. As a result these issues are clearly no preserved for review on appeal. See State v. Stahlnecker, 386 S.C. 609, 617, 690 S.E.2d 565, 570 (2010) ("For an issue to be properly preserved it has to be raised to and ruled on by the trial court."); State v. Haselden, 353 S.C. 190, 196, 577 S.E.2d 445, 448 (2003) (holding a defendant may not argue one ground at trial and another on appeal).

Merits

The issues also fail on their merits. This case is clearly distinguishable from Navy and Seibert. Further, the trial court did not abuse his discretion in finding the statement was knowingly and voluntarily given.

Miranda warnings are required for official interrogations only when an individual "has been taken into custody or otherwise deprived of his freedom of action in any way." State v. Easler, 327 S.C. 121, 128, 489 S.E.2d 617, 621 (1997). This language is interpreted to mean a formal arrest or a detention associated with a formal arrest. Id. (citing Berkemer v. McCarty, 468 U.S. 420 (1984)). To determine whether an individual is in custody, the trial judge was required to examine the totality of the circumstances, which included factors such as the place, purpose, and length of interrogation, as well as whether Appellant was free to leave the place of questioning. Id. "The fact the investigation has focused on the suspect does not trigger the need for Miranda warnings unless he is in custody." Easler, 327 S.C. at 128, 489 S.E.2d at 621 (citing Minnesota v. Murphy, 465 U.S. 420, 104 S.Ct. 1136, 79 L.Ed.2d 409 (1984); Oregon v. Mathiason, 429 U.S. 492, 97 S.Ct. 711, 50 L.Ed.2d 714 (1977)).

"The relevant inquiry is whether a reasonable man in the suspect's position would have understood himself to be in custody." Bradley v. State, 316 S.C. 255, 257, 449 S.E.2d 492, 493-94 (1994). The initial determination of whether an individual was in custody depends on the objective circumstances of the interrogation, not the subjective views harbored by either the interrogating officers or the person being questioned. State v. Sprouse, 325 S.C. 275, 282, 478 S.E.2d 871, 875 (Ct. App. 1996) (citing Stansbury v. California, 511 U.S. 318 (1994)).

Appellant was not in custody at the time of her initial questioning. She was asked while outside her residence whether she was willing to go to the Horry County Police Department for an actual videotape interview. She agreed and willingly went to the station for the interview. (T.670-671; 953-954; R.___). At no time was Appellant told she could not leave, nor was she under arrest or in detention. Given the totality of the circumstances in this case, Appellant was not in custody at the time of her initial statement.

Further, this case is distinguishable from Navy and Seibert. In Seibert, the United States Supreme Court considered with the police practice of questioning a suspect until incriminating information is elicited, then administering Miranda warnings. Following the warnings, the suspect is lead through the same questioning to re-obtain the incriminatory statements. The post-warning statement is then sought to be admitted.

> The factors to be considered in determining whether a constitutional violation occurred in this setting, according to the Seibert plurality opinion, are:
>
> 1) the completeness and detail of the question and answers in the first round of interrogation;
> 2) the timing and setting of the first questioning and the second;

> 3) the continuity of police personnel; and
> 4) the degree to which the interrogator's questions treated the second round as continuous with the first.

Seibert, 542 U.S. at 616; Navy, 386 S.C. at 302, 688 S.E.2d at 841-842. The Court in Seibert explained: "The object of question-first is to render Miranda warnings ineffective by waiting for a particularly opportune time to give them, after the suspect has already confessed." Seibert, 542 U.S. at 611.

In Navy, the South Carolina Supreme Court explained:

> The officers began the questioning of respondent with knowledge that the child had been suffocated and with the intention of eliciting a confession. After respondent's first oral statement, the officers "sprang" the suffocation/healing rib fractures information on respondent, and began an unwarned custodial interrogation designed to elicit incriminating information, that is, questioning designed to have respondent admit to having hit the child and to having smothered him. Once those incriminating answers were given—i.e. after respondent admitted he had popped the child on the back and "patted" his mouth—respondent was permitted a supervised cigarette break, then given Miranda warnings, with interrogation by the same officer resuming immediately.

Navy, 386 S.C. at 303, 688 S.E.2d at 842. The Court found the statement given prior to Miranda, as well as the post-Miranda statement, had to be suppressed.

The facts of this case are significantly different from those of Navy and Seibert. While those two cases both involved officers obtaining incriminating statements without having given Miranda warnings and then re-obtaining those same incriminating statements after Miranda, the officers in this case did not obtain anything incriminating regarding Appellant's involvement in the minor victim's death prior to reading her Miranda rights. She talked about her background, the events since the child went into the hospital, and tried to provide background regarding her daughter's issues growing up. At

no time did she make any incriminating statements during the pre-Miranda statement to the officers. As a matter of fact, she maintained throughout her statement that she did nothing to the child and did not know how the injuries resulted. As a result, even if preserved, the officers did not violate the Fifth Amendment rights of Appellant as discussed in Seibert or Navy.

Finally, Appellant's statements were knowingly and voluntarily given. This Court explained:

> To determine the voluntariness of a statement, the circuit court must first conduct an evidentiary hearing, outside the presence of the jury, where the State must show the statement was voluntarily made by a preponderance of the evidence. During this hearing, the circuit court must examine the totality of circumstances surrounding the statement and determine whether the State has carried its burden of proving the statement was given voluntarily. If the statement is found to have been given voluntarily, it is then submitted to the jury where its voluntariness must be established beyond a reasonable doubt. On appeal, the circuit court's decision as to the voluntariness of the statement will not be reversed unless so erroneous as to demonstrate an abuse of discretion.

State v. Simmons, 384 S.C. 145, 162, 682 S.E.2d 19, 28 (Ct. App. 2009).

The circuit court in this case conducted a hearing pursuant to Jackson v. Denno and heard the testimony of Detective Troxell who testified she did not appear impaired in any way, he had no concerns with her ability to understand what was happening during the interview, she was not educationally or mentally incapacitated, and he did not force or coerce the statement from Appellant. Significantly, the circuit court also viewed the videotape of Appellant's statement.

The circuit court issued detailed findings of fact regarding the voluntariness of the statement. He found:

> I've considered the circumstances of the, of the interrogation and the characteristics of your client. I think your client is an intelligent person; it's obvious from her responses. On the tape I do not see any evidence that would indicate to me that she was intoxicated, did not know what she, she was doing and she's a person that is mature. I've looked at the details of the interrogation. She was advised of her Miranda rights, no question about that. It was about an hour and a half long. I don't find that to be overly lengthy.
>
> The, there was no use of, in my view, of any threats or punishment for her answers. I notice that she did have her medication; she did have a purse. She did have something to drink during the interrogation. I paid close attention to the surroundings, it appeared to be like an office, more or less, nothing coercive about that. I believe it was a voluntary statement and I will admit it, okay.

(Oct. T. 196-197; R.___).

The findings of the trial court are clearly supported by the Detective's testimony as well as a viewing of the statement and the conditions under which it was given. As a result, the trial court did not abuse his discretion in finding the statement was knowingly, intelligently, and voluntarily given. The trial court properly admitted the statement of Appellant and this Court should affirm that finding.

II. The trial court properly denied Appellant's motion for directed verdict.

Appellant maintains the trial court erred in denying her motion for directed verdict. The State contends substantial circumstantial evidence supports sending the case to the jury and supports the jury's verdict finding Appellant guilty of the charges.

"When ruling on a motion for a directed verdict, the trial court is concerned with the existence or nonexistence of evidence, not its weight." State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006). A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged. Id. When reviewing a denial of a directed verdict, the appellate court must view the evidence and all reasonable inferences in the light most favorable to the State. State v. Cherry, 361 S.C. 588, 593-593, 606 S.E.2d 475, 477-478 (2004). "If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury." Id. A circuit judge should grant a directed verdict motion when the evidence merely raises a suspicion the accused is guilty. State v. Odems, 395 S.C. 582, 586, 720 S.E.2d 48, 50 (2011).

In relevant part, section 16-3-85 of the South Carolina Code provides:

> (A) A person is guilty of homicide by child abuse if the person:
> (1) causes the death of a child under the age of eleven while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life; or
> (2) knowingly aids and abets another person to commit child abuse or neglect, and the child abuse or neglect results in the death of a child under the age of eleven.
>
> (B) For purposes of this section, the following definitions apply:

> (1) "child abuse or neglect" means an act or omission by any person which causes harm to the child's physical health or welfare;
> (2) "harm" to a child's health or welfare occurs when a person:
> (a) inflicts or allows to be inflicted upon the child physical injury, including injuries sustained as a result of excessive corporal punishment. . . .

It is clear from the statutory definition that to be guilty of homicide by child abuse or aiding and abetting homicide by child abuse one does not have to actually inflict the injury. A person may by act or omission allow the injury to be inflicted to cause the harm which may form the basis of the child abuse or neglect.

The only issue Appellant contends the State failed to prove is whether Appellant can be identified as the person who caused the child's death. This case is remarkably similar to the case of State v. Smith, 359 S.C. 481, 597 S.E.2d 888 (Ct. App. 2004), in which this Court found the trial court properly submitted the case to the jury when two people could have been responsible for the injuries. In Smith, this Court explained:

> The statute makes clear that child abuse may be committed by either an act or an omission which causes harm to a child's physical health. Additionally, harm to a child's health occurs when a person either inflicts, or allows to be inflicted physical injury upon a child. Given the evidence on the severity and number of injuries to Jordyn, the fact that both Smith and Celeste were the only adults with Jordyn during the time frame that she received her injuries and were the only people who could have possibly caused her injuries, the evidence that her impairment should have been obvious to these two adults, along with the evidence of possible cover-up, we find there was sufficient evidence of an act or omission by Smith wherein he inflicted or allowed to be inflicted physical harm to Jordyn resulting in Jordyn's death.

Smith, 359 S.C. at 492, 597 S.E.2d at 894. (internal citations omitted). This Court found where the evidence indicated one of the two adults clearly caused the injury, the fact the

exact identity of the individual who physically caused the harm is not necessary to support sending the case to the jury.

The medical evidence in this case indicated the injury to the child was not accidental and was so significant either adult in this case would have known it happened. Dr. Cacace testified it would have to be "tremendous force to the skull" to cause the type of injury seen in the toddler. (T.358; R.___). He testified the injury was not accidental. (T.362; R.___). Dr. Roberts testified both sides of the toddler's skull were fractured by severe traumatic force. (T.409-410; R.___). She indicated the fractures were caused by a force similar to falling out of a three story window or being involved in a motor vehicle accident.

The doctors all testified the injuries had to occur the day the child was taken to the hospital. As a result, Appellant's attempts to explain the injuries by blaming the dog for knocking the child down, or the fact the child's head felt "squishy" to Appellant when the child arrived with his mom are unavailing. Further, none of the events would explain the significant trauma experienced by the toddler leading to his death.

Significantly, Dr. Roberts testified as a result of the injury, the toddler would have lost the ability to function normally. (T.413-415; R.___). She testified a person with the type of injury sustained by the toddler would be **immediately and severely symptomatic**. She said the child would lose consciousness, have altered breathing, seizures, and would not be able to move or have other normal functions. (T.419; R.___). She testified the injuries could only have occurred the day the child presented to the emergency room. (T.420-421; 434-435; R.___).

Importantly, Appellant testified at approximately 4:30 when she arrived home, the toddler was sleeping normally and she heard him breathing fine. (T.984; 994; R.___). Dr. Roberts, however, testified she would expect symptoms of the injury to be seen, and, if the child was sleeping normally around 4:30 when checked on, then she expected the injuries occurred after that time. (T.427-428; R.___). The only time either co-defendant was with the toddler after this time was when Appellant entered the room to get the toddler while her co-defendant was not present.

As a result, the evidence suggests either Appellant caused the harm to the toddler when she went to pick him up or she should have known the harm was done because the child would have been altered and not breathing or acting normally when she checked on him. In any event, she caused the harm, allowed the harm to occur, or failed to act appropriately based on the harm that was caused to the child. As in the Smith case, two people were present, either one or both of them had to do something to the child, and either one or both knew about it. Accordingly, the State provided evidence sufficient to warrant sending the case to the jury. See Smith, 359 S.C. at 492, 597 S.E.2d at 894.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

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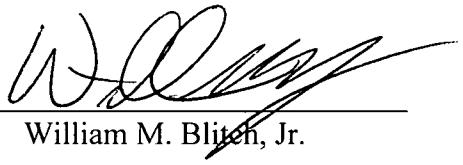
S.C. Bar No. 15608

BY: 
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ATTORNEYS FOR RESPONDENT

July 8, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Larry B. Hyman, Jr., Circuit Court Judge
Appellate Case Tracking No. 2011-203707

The State, Respondent,

vs.

Julia Gorman, Appellant.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

In addition to the matter designated by Appellant, Respondent proposes the following to be included in the Record on Appeal:

(1) True-billed Indictments;

(2) October Transcript 49-197;

(3) Trial Transcript November 14-18, pages 1; 127-281; 294-326; 352-384; 401-439; 457-563; 583-594; 622-719; 721-840; 842-849; 904-1000; 1007-1008; 1113-1114; 1135-1140; 1155-1156;

(4) State's Exhibit 67 (formerly State's Exhibit 10);

(5) State's Exhibit 64;

(6) State's Exhibit 65.

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General

BY: _____
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ATTORNEYS FOR RESPONDENT

July 8, 2013

STATE OF SOUTH CAROLINA

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Appeal from Horry County
Honorable Larry B. Hyman, Jr., Circuit Court Judge
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The State, Respondent,

vs.

Julia Gorman, Appellant.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Susan B. Hackett, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served. This 8th day of July, 2013.

Ellen R. DuBois

ELLEN R. DuBOIS
Legal Assistant

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ALAN WILSON
ATTORNEY GENERAL

July 8, 2013

Susan B. Hackett, Esquire
S.C. Commission on Indigent Defense
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RE: State v. Julia Gorman
Appellate Case Tracking No. 2011-203707

Dear Ms. Hackett:

I am enclosing two (2) copies of the Initial Brief of Respondent and Designation of Matter in the above-referenced case.

Sincerely,

William M. Blitch, Jr.
Assistant Attorney General
S.C. Bar No. 15608

WMB/erd
Enclosures

cc: Honorable Jenny A. Kitchings (original and one enclosed)
Victim Services