

ORIGINAL

Volume II of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Larry B. Hyman, Jr., Circuit Court Judge

SC Court of Appeals

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THE STATE,

RESPONDENT,

V.

JULIA GORMAN,

APPELLANT

Appellate Case No. 2011-203707

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS IS ON FILE WITH THIS COURT:

**STATE'S EXHIBITS #64(CD-PALMER STATEMENT), #65 (CD-GORMAN
STATEMENT),**

Dr. Abel - Direct Examination by Ms. Lively

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1 Q All right, now, Dr. Abel, after you had --
2 Ms. Lively: Your Honor, may I publish this to
3 the jury, this particular one that's difficult to see?

4 The Court: Certainly.

5 Ms. Lively: Thank you.

6 Q (Continuing) Now, Dr. Abel, and you can
7 refer to, to any of your notes if you need to, let me just
8 step back for a second and I had asked you about the child
9 being given medication, would you, please, look in your
10 records to determine what type of medication he was given?

11 A It wasn't on my consult because at the time
12 I talked to the family they weren't telling me that. I
13 found it on the report done a few hours earlier, see if I
14 can find it here. I can't read the writing, here it is,
15 Xyzal.

16 Q Okay, and, and what is Xyzal used for?

17 A It's a antihistamine used for allergy
18 symptoms of nose or skin.

19 Q Okay, and in regards to a child his age do
20 you know what, were you told or were you able to find out
21 through your research what this child was being given, what
22 dosage?

23 A I don't know the dosage.

24 Q Okay, that's fair, now do you know what
25 kind of side effects that Xyzal would have on a child this

1 age?

2 A I looked it up and the side effects are
3 similar to other anti, antihistamines, you can be drowsy
4 when you take it, that's the main one.

5 Q All right, now let me get to, let me get
6 back to his skull fractures. Dr. Abel, when after you got
7 all the history from the maternal grandmother and the
8 boyfriend and you looked at the bruising and you
9 considered the findings, the radiological findings, at that
10 time were you able to come up with a conclusion within a
11 reasonable degree of medical certainty as to whether or not
12 this child suffered from an accidental or non accidental
13 injury?

14 A Well I also check, you know, blood count,
15 chemistries, urinalysis, the normal things and he had
16 abnormal clotting test that is a kind of abnormal clotting
17 that we see with massive head trauma and the family history
18 and the boy's history gave no history that he had any kind
19 of clotting problem when he was a younger child, normal
20 circumcision, no problem, so, so there was no evidence of
21 an underlying clotting disorder. There was a clotting
22 disorder as part of the injury that he now had, so when you
23 have massive head injury like this, you know, your clotting
24 mechanism goes awry.

25 Q And just so you said something about the

Dr. Abel - Direct Examination by Ms. Lively

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1 circumcision, did you actually review his well baby check
2 records information?

3 A Yes, I have had a chance now to review all
4 of his well child records up till nine months of age.

5 Q Okay, and, and you mentioned the
6 circumcision was there anything, so there was nothing in
7 what happened to this child that gave concerns as to blood
8 disorder or genetic disorder?

9 A No, he was a normal child; he was
10 developing normally; his language was developing. He was,
11 his motor skills were developing normally up until nine
12 months of age and then, and then there are no more records
13 until he comes to this area and is seen several times.

14 Q Are you aware of the fact that he was seen
15 at Conway Medical Center a week before he presented at the
16 E.R. on the 14th?

17 A Yes.

18 Q Okay, and did you have an opportunity to
19 review those records as well?

20 A Yes.

21 Q Okay, and based upon the information that
22 you had and the severity of the injuries that you saw on
23 the 15th, do you believe it would have been possible for
24 this child to have had those type of injuries on the 7th?

25 A No.

Dr. Abel - Direct Examination by Ms. Lively

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1 Q Okay, all right, based upon your experience
2 as a child abuse pediatric and knowing how children
3 basically function and act would this child be immediately
4 symptomatic once the injury was inflicted to his head?

5 A The head, the skull fractures ---

6 Q Yes.

7 A --- were massive and in my judgment he
8 would have been unconscious immediately.

9 Q Okay, and I believe you said that earlier,
10 I just want to make sure, and I'm asking you, would the
11 child have eaten breakfast that morning if he had these
12 massive skull fractures?

13 A No.

14 Q Would the child have been able to sit up
15 and eat lunch if he had these massive skull fractures?

16 A No.

17 Q So when you're provided that history
18 regarding the child and you have, I believe you said the
19 other two events were the puppy dog knocking him over and
20 the stroller; is that right?

21 A That history was given but it was much
22 earlier.

23 Q I understand, that's what I mean from two
24 weeks out?

25 A Right.

Dr. Abel - Direct Examination by Ms. Lively

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1 Q Without any other information other than
2 that and that the child was functioning that day in your
3 opinion within a reasonable degree of medical certainty can
4 you tell us when you think the injuries would have had to
5 have been inflicted?

6 A The day he presented to the emergency
7 department was the 14th, right, 14th.

8 Q All right, and why is that?

9 A Because he was in extremist and he was
10 having seizures and, and he, so also the blood, the blood
11 that the radiologist they can tell just from the imaging
12 how old the blood is in the head so we knew that the blood
13 was no more than three days old and probably less, no more
14 than three days, and then just the fact that such a massive
15 fractures that he wouldn't have been able to function. Now
16 part of the dilemma is the history and all I can say is
17 that the history I was given does not match what I was
18 seeing at all.

19 Q And so what conclusion did you come to
20 regarding whether this was and as I stated earlier and with
21 all that information whether this was accidental or non
22 accidental?

23 A Well I put in my final report inflicted
24 trauma, inflicted head trauma.

25 Q And once again, Dr. Abel, were you able to

Dr. Abel - Direct Examination by Ms. Lively

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1 talk to, or I didn't actually ask you this, were you able
2 to talk to the biological mother and biological father
3 about this child?

4 A No, they had not arrived and I never met
5 them.

6 Q You never did, okay, so the information
7 that you received was just from, I mean the social history
8 was from the grandmother?

9 A Correct.

10 Ms. Lively: One moment.

11 Q (Continuing) And, Dr. Abel, were you up to
12 date on all the literature regarding traumatic abuse,
13 traumatic skull fractures and abuse of children?

14 A Well I'm doing the best I can. There are
15 hundreds of articles published every few months because
16 this is a very hot topic and I, I can't read them all.

17 Q Okay, all right, and in regards to your
18 experience as a child abuse pediatric in causes of death in
19 children is it, what is one of the highest causes of death
20 in children this age under two?

21 A Abusive head trauma.

22 Ms. Grabert-Lowenstein: Objection, Your Honor,
23 relevance.

24 The Court: I would sustain that objection.

25 Ms. Lively: Okay, thank you.

Dr. Abel - Direct Examination by Ms. Lively

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1 Ms. Grabert-Lowenstein: Thank you, Your Honor.

2 Ms. Lively: (Continuing)

3 Q And, Dr. Abel, after you actually did your
4 consultation on that day did you then follow up and include
5 in your records information you received from the autopsy?

6 A I have read them but, no, my report was
7 made before I had an autopsy report or other records.

8 Q Okay, all right, so everything you had was
9 based on what you saw from the 15th?

10 A And what, what the grandmother and the
11 boyfriend told me and from the medical records that were in
12 the I.C.U. chart. Some of them were from the outlying
13 emergency room and some of them, of course, had been
14 generated right there at the MUSC in pediatric intensive
15 care.

16 Q And, Dr. Abel, when you're seeing these
17 type of skull fractures in a child what normally do you
18 hear as a mechanism for that, for that particular injury?

19 A Well the type of comminuted skull fractures
20 that are seen would be like if a child had fallen from a
21 three story building and somehow managed to hit two
22 surfaces or if the child had been ejected from a moving car
23 and had landed on concrete thirty feet away.

24 Q So in your opinion would the force that
25 you're talking about be something that would be readily

Dr. Abel - Direct Examination by Ms. Lively

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1 visible or apparent to the person or someone watching this
2 injury take place?

3 A Okay, I think I understand the question;
4 the question being that would a person observing this
5 appreciate the magnitude of the force?

6 Q Yeah, the level of the force, the severity
7 of the force?

8 A Yeah, a person with normal observation
9 would perceive that this was tremendous force.

10 Q To the child?

11 A To the child, yeah.

12 Q And finally were you given any historical
13 information that would have put Minor in the care
14 of anyone other than the maternal grandmother and the
15 boyfriend on July the 14th, 2008?

16 A No.

17 Q In regards to his development, just quickly
18 cause I know we've gone through a lot, but in regards to
19 Minor development was there anything in his
20 development that gave you concerns?

21 A The history from the grandmother was
22 indicative that he had severe developmental problems and
23 behavioral problems but that didn't match what I got from
24 the well child check, very detailed pediatric notes, and he
25 had had faithful visits to the pediatrician when they

Dr. Abel - Direct Examination by Ms. Lively

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1 documented his development and his growth and all of that,
2 so the grandmother is describing a child that only can say
3 one word and is clingy and whiny and wants to be held all
4 the time. That doesn't match what's described in his first
5 nine months of life where he already had four or five words
6 at nine months of age and was developing, his motor skills
7 were developing normally.

8 Q And were you given any records whatsoever
9 that he had ever been in a motor vehicle accident or
10 dropped from a two story building?

11 A I was not told that.

12 Ms. Lively: Thank you, answer any questions the
13 defense might have for you.

14 The Court: We're going to take a quick break,
15 five minutes, ten minutes.

16 (Whereupon, the jury retired to the jury room at
17 3:45 p.m.)

18 (Whereupon, a recess was taken and the following
19 takes place on the record after the recess.)

20 The Court: Yes, sir?

21 Mr. Galtmore: One issue has come up while we
22 were in our recess. It has come to my attention that the
23 same juror may have been asleep during the course of Dr.
24 Abel's testimony. I have spoken with Ms. Grabert-
25 Lowenstein and with Ms. Lively and I feel that the best

Dr. Abel - Direct Examination by Ms. Lively

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1 thing to do at this point is to remove the juror and seat
2 an alternate, and I do not think that anyone is opposed to
3 that motion.

4 The Court: Counsel?

5 Ms. Lively: Your Honor, I, I'm torn because
6 we've been through so much of the testimony but Ms. Cote I
7 asked her to, please, watch again as well as my assistant,
8 Amy Ayers, and they both reported back to me that he's once
9 again been nodding off and one of the other jurors sitting
10 next to him has had to consistently get his attention. You
11 know I know this is tough testimony. I don't know how the
12 Court ---

13 The Court: Well it's an important case and the
14 juror must ---

15 Ms. Lively: Well that's what I mean it's ---

16 The Court: --- must remain awake.

17 Ms. Lively: Yes, sir.

18 The Court: I agree with you that he must be
19 removed, however, the selection of the replacement is not
20 by order of selection, it's by lot. I will have my Clerk,
21 that would be alternate Franklin Kolbe or alternate
22 Schafehen. I will, how do you suggest that we do this?

23 Ms. Lively: Your Honor, you can just write down
24 their names throw it in a cup and pick one out. I've seen
25 the judges do that before. I don't have a problem with

Dr. Abel - Direct Examination by Ms. Lively

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1 doing that.

2 The Court: That's the way I have done it in the
3 past and what I'll do is write the two numbers, they were
4 47 and 48. Do you have any objections to the Deputy, Ms.
5 Graham, making the selection?

6 Ms. Lively: No, Your Honor.

7 Mr. Galmore: No, sir.

8 Ms. Grabert-Lowenstein: No, Your Honor.

9 Deputy Graham: Number 48.

10 The Court: The other pad that I had in was 47
11 so that would be Mr. Schafehen. Would you bring Mr. Buie
12 in?

13 Deputy Graham: Yes, sir.

14 (Whereupon, Juror Number 42 enters the
15 courtroom.)

16 The Court: Mr. Buie, it's come to my attention
17 twice during this trial that you're unable to stay awake
18 during the testimony. I've observed you dozing off during
19 the testimony, therefore, I have no alternative than to
20 remove you from this jury. Thank you for your service thus
21 far. If you would show Mr. Buie out and then bring me the
22 rest of the jury.

23 Deputy Graham: Yes, sir.

24 (Whereupon, Juror Number 42 exits the court
25 room.)

Dr. Abel - Cross Ex. by Ms. Grabert-Lowenstein

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1 Ms. Lively: Your Honor, we'll need to pick a
2 new foreman as well.

3 The Court: I will.

4 Ms. Lively: Yes, sir.

5 (Whereupon, the jury returns to the courtroom at
6 4:02 p.m.)

7 The Court: Ladies and gentlemen, I was
8 compelled to remove the juror from your jury, that was your
9 foreperson. Occupying the foreperson's seat now is Mr. --

10 Jury Panel Member: Robert Kidd.

11 The Court: Mr. Kidd, Mr. Kidd, you will assume
12 the duties as foreperson. Mr. Schafehen?

13 Jury Panel Member: Yes, sir.

14 The Court: Would you move over by Mr. Kidd?

15 Jury Panel Member: Yes, sir.

16 The Court: And from this point forward you will
17 be a, a member of the jury panel and, Mr. Kolbe, you will
18 remain as an alternate, thank you.

19 Witness?

20 Ms. Grabert-Lowenstein: Thank you, Your Honor.

21 **Cross Examination**

22 **By Ms. Grabert-Lowenstein:**

23 Q Good afternoon, Dr. Abel?

24 A Afternoon.

25 Q Could the bruises that you observed that

Dr. Abel - Cross Ex. by Ms. Grabert-Lowenstein

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1 you testified to have occurred at the same time as the
2 skull fractures?

3 A They could have.

4 Q Okay, and could the skull fractures have
5 happened given all the information that you looked at,
6 which if I might, you looked at all the medical evidence,
7 the radiology, correct?

8 A Yes..

9 Q Okay, taking all of that into account could
10 they have happened within an hour of him being seen by EMS?

11 A They could have..

12 Q Okay, thank you. Now you saw no evidence
13 as to heel cuts?

14 A I, right, he had tiny little scraps that
15 were healing.

16 Q Was there indication of some bug bites?

17 A Yes.

18 Q Okay, and you saw no evidence of old broken
19 bones?

20 A Correct..

21 Q The only broken bones were the skull
22 fractures?

23 A Correct.

24 Q Okay, as a pediatrician would the allergies
25 it was described to you he was treated for would that have

Dr. Abel - Cross Ex. by Ms. Grabert-Lowenstein

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1 made him maybe whiny during that period, maybe a little
2 uncomfortable?

3 A If children are uncomfortable they can
4 whine.

5 Q Okay, and likewise he was seen for stomach
6 problems on the 7th for the vomiting?

7 A Yes.

8 Q Could that make a child uncomfortable and
9 whiny?

10 A Yes.

11 Q Okay, you indicated the antihistamine would
12 make him groggy?

13 A That's a side affect some people have.

14 Q Okay, and, Doctor, how long would have
15 taken to, to make the injuries that you saw on the skull
16 fractures?

17 A Less than a minute.

18 Q Okay, and someone that didn't see the
19 mechanism, obviously, couldn't appreciate the force or what
20 was going on, correct?

21 A Well that's incorrect, the degree of damage
22 is an indication of a force.

23 Q I mean let me rephrase the question, if a
24 person didn't see the damage being inflicted they would
25 have no knowledge of the damage, correct?

Dr. Abel - Cross Examination by Mr. Galmore

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1 A No, that's incorrect, a medical person
2 that's seen the evidence would see the damage.

3 Q Okay, let me, let me rephrase again, I'm
4 sorry, it's getting kind of late in the afternoon?

5 A Okay.

6 Q If a layperson did not see the damage being
7 inflicted they would have no knowledge of the mechanism of
8 the damage?

9 A Correct.

10 Q Okay, and if someone did not see the
11 symptomology they would not appreciate that something had
12 been done to the child?

13 A If, if an observer didn't see any symptoms
14 in the child they wouldn't appreciate that something had
15 happened to the child?

16 Q Yes?

17 A Correct.

18 Q Okay, thank you, now in your extensive
19 history as a pediatrician and then a forensic pediatrician
20 have you gotten into the sociology behind when children,
21 especially toddlers, are hurt?

22 A I've done a lot of reading; there is no
23 profile of someone that hurts toddlers that is a hundred
24 percent accurate.

25 Q Okay, are there, from your consultations

Dr. Abel - Cross Examination by Mr. Galmore

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1 are there some more common scenarios as to when injuries
2 are inflicted?

3 A There are risk factors, risk factors are
4 well known, however, sometimes children are purposely hurt
5 by people with no known risk factors.

6 Q Okay, are one of those risk factors
7 somebody for a low tolerance to stress?

8 A Yes.

9 Q And including a low tolerance to the
10 demands of a toddler?

11 A Yes.

12 Q Okay, thank you, Doctor, I have no further
13 questions.

14 The Court: Mr. Galmore?

15 Mr. Galmore: Thank you, sir.

16 Cross Examination

17 By Mr. Galmore:

18 Q Dr. Abel, I believe you testified that you
19 were the director of the child abuse program at Children's
20 Hospital in Washington, right?

21 A Children's National Medical Center.

22 Q Yes, ma'am, when were you director of that
23 program?

24 A The year 2000 through 2003.

25 Q And when did you become director of the

Dr. Abel - Cross Examination by Mr. Galmore

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1 Violence Intervention and Prevention Program at MUSC?

2 A I came as the medical director in 2006 and
3 I became the director I believe in 2010.

4 Q So you were medical director and then you
5 became --

6 A Director.

7 Q Director?

8 A Correct.

9 Q Now you were called in to consult on this
10 case; is that correct?

11 A That's correct.

12 Q And who were you called in by?

13 A Dr. Tecklenburg.

14 Q And who is Dr. Tecklenburg?

15 A He's the intensivist, pediatric intensivist
16 at MUSC; he was taking care of this child.

17 Q Okay, so Dr. Tecklenburg was Minor
18 physician at MUSC?

19 A He, yeah, he was the attending physician.

20 Q Okay, and is part of the consultation one
21 of the first things you need to do is try to establish a
22 history for the patient; is that correct?

23 A Yes.

24 Q And in this case you did that by talking
25 with the maternal grandmother and her boyfriend?

Dr. Abel - Cross Examination by Mr. Galmore

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1 A Correct.

2 Q All right, did Ms. Gorman refuse to speak
3 to you?

4 A Ms. Gorman is the maternal grandmother?

5 Q Yes, ma'am?

6 A No, she spoke with me.

7 Q Okay, did she have the choice to refuse to
8 speak to you?

9 A Yes.

10 Q And when she spoke with you I believe she
11 told you that she went to work at 5 a.m. that morning?

12 A I believe I testified to that, yeah.

13 Q Yes, ma'am, is that correct?

14 A That's correct.

15 Q Okay, did you get that same information
16 from the boyfriend?

17 A Yes.

18 Q So that particular piece of information was
19 verified by both people; is that correct?

20 A Yes.

21 Q Okay, now I believe you received
22 information that the patient ate breakfast at 9:30 and went
23 back to sleep and then ate lunch around noon and took a
24 nap?

25 A Yes.

Dr. Abel - Cross Examination by Mr. Galtore

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1 Q Okay, where did you get that information?

2 A That came from the mother's boyfriend.

3 Q Okay, now at this particular time ---

4 A The grandmother, excuse me, grandmother's
5 boyfriend.

6 Q Yes, this would have been at a time when
7 the grandmother was at work?

8 A That is correct.

9 Q Okay, were you able to independently verify
10 the claim that the child had breakfast at 9:30 and went to
11 sleep and had lunch at noon and went back to sleep again?

12 A No.

13 Q Well so what you're saying, were you, were
14 you able to contact or speak to any other people to, to
15 tell you that that is what happened?

16 A I spoke to the people that were telling me
17 they were the ones that was present and my job is to get
18 the medical history ---

19 Q Yes, ma'am?

20 A --- you know, there is law enforcement
21 investigation and DSS investigation and they may have done
22 other things, I don't know.

23 Q Okay, but on that particular issue of
24 waking up having breakfast, going back to sleep, waking up
25 and having lunch, going back to sleep, that information

1 came from a single source; is that correct?

2 A Yes, that's from maternal grandmother's
3 boyfriend, yes.

4 Q I believe they also told you that the child
5 fell in the stroller a couple of weeks earlier ---

6
7 A Correct.

8 Q --- but they did not think that that was a
9 significant injury?

10 A Correct.

11 Q And they also told you that the puppy
12 knocked the child over but they did not think that was a
13 significant injury?

14 A Correct.

15 Q Did both people tell you both of those
16 incidents?

17 A Yes.

18 Q Okay, the social history says that the
19 mother returned home around 3:30 p.m. and the child was
20 asleep?

21 A The maternal grandmother?

22 Q Yes, well your, the report says mother but
23 I believe you're referring to the maternal grandmother?

24 A You're right, yes.

25 Q Okay, where did you receive that

Dr. Abel - Cross Examination by Mr. Galmore

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1 information, from whom?

2 A From the maternal grandmother.

3 Q Okay, was the boyfriend able to verify that
4 the maternal grandmother came home around 3:30 and the
5 child was asleep?

6 A Their times were very similar; I think one
7 of them said 3:30 and one of them said 4:00 but the stories
8 they both told were matching.

9 Q Okay, so they both told you that she had
10 went to work and come home later that day?

11 A Right.

12 Q I think you said you had an opportunity to
13 review the wellness records for Minor was that
14 correct?

15 A Yes.

16 Q Okay, and there was a gap in his, in his
17 records from nine months up until he was treated at Aynor
18 Family Practice on July 1st?

19 A Correct.

20 Q So he did not have any follow up visits for
21 eight months?

22 A I don't know, the mother wasn't there to
23 tell me if she had taken him to another doctor so I just
24 don't know.

25 Q Okay, but your records have an eight month

1 gap in there?

2 A Yes, well is that eight months, it goes
3 from nine months to sixteen months, yeah.

4 Q Yes, ma'am?

5 A Yeah, so seven months.

6 Q Yes, ma'am?

7 A Yeah.

8 Q I think you received information from the
9 maternal grandmother that the child was malnourished?

10 A Correct.

11 Q Did you have an opportunity to weigh Minor
12 ?

13 A He was weighed at the hospital and his
14 weight was nine kilograms and that is less than the fifth
15 percentile which is underweight.

16 Q So he was in fact underweight?

17 A He was in fact underweight, now that's
18 after he had been, he had been in the home of the maternal
19 grandmother for several weeks but he was still underweight.

20 Q So you, your testimony is that his actual
21 weight to in your medical opinion was underweight?

22 A It was and compared to his previous growth
23 charts, I took all the data from the well child visits and
24 I plotted it and he had been average height for his age
25 each month but he had always been like the twenty fifth

Dr. Abel - Cross Examination by Mr. Galtore

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1 percentile, in other words the lower one quarter in terms
2 of weight but he had grown steadily and that pattern went
3 all the way to the ninth month and then the record stopped
4 and then when we're measuring him during the
5 hospitalization his height was normal. He's around the
6 fiftieth to seventy-fifth percentile but his weight is now
7 less than the fifth percentile.

8 Q Yes, ma'am, now let me ask you about the
9 photographs that you went over with the jury, the pictures,
10 you stated that some of them appeared to be ant bites; is
11 that correct?

12 A There were several.

13 Q Okay, and you stated that the parents,
14 excuse me, the maternal grandmother and her boyfriend did
15 not give you an explanation for those bruises?

16 A Correct.

17 Q Okay, can you tell the jury when these
18 bruises were inflicted?

19 A No.

20 Q Can you tell the jury who inflicted these
21 bruises?

22 A No.

23 Q Do you have any idea how many people
24 handled Minor from the time 911 was called until you had
25 an opportunity to see him on the 15th?

1 A I don't know.

2 Q Do the records indicate that he was
3 unconscious during that entire period?

4 A Yes.

5 Q So he wouldn't have been able to get on the
6 stretcher on his own?

7 A Right.

8 Q He wouldn't have been able to get in the
9 helicopter on his own?

10 A Uh-huh.

11 Q So someone has to actually physically pick
12 him up and put him on a stretcher, is it possible that
13 these bruises are the result of several different people
14 handling the child?

15 A It would be unusual to get bruises on the
16 trunk in the process of resuscitation. Sometimes with
17 resuscitation, a vigorous resuscitation, children or adults
18 will get bruises here where the person's forcefully lifting
19 their chin to try to get the airway, sometimes they'll have
20 bruises on their extremities where people have tried to put
21 in I.V.'s especially at the I.V. sites like here on the
22 inner elbow or in a baby in his case I think I saw one like
23 that on his foot where it looked someone had tried to put
24 an I.V. in his foot.

25 Q Okay, so bruising does sometimes occur

Dr. Abel - Cross Examination by Mr. Galtmore

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1 during resuscitative efforts?

2 A In, in specific locations, yes.

3 Q Based on your training and experience are
4 you able to give this jury an estimate for when the skull
5 fractures would have been inflicted?

6 A Skull fractures, there was no evidence of
7 healing but the healing of skull fractures is an area where
8 they don't heal like a long bone. When a long bone heals
9 there's a cuff of new bone formation that looks like an
10 onion that goes around where the fracture is that makes it
11 easier to figure out how old they are cause the
12 radiologists are used to looking at that, but the bones of
13 the head when they're fractured and they start to heal they
14 just sort of melt back together again slowly and it's
15 really very difficult to age healing. Now there's no sign
16 of any healing at all on these. We know that from the
17 blood products in the brain that shouldn't have been where
18 they were that the injury that associated with the bleeding
19 in the head and the skull fracture most likely were all
20 associated at the same time that, that it was less than
21 three days.

22 Q Okay?

23 A Now the degree of injury to the skull with
24 the shattering of the bones meant a tremendous amount of
25 force and I would say the child was unconscious, as I have

Dr. Abel - Cross Examination by Mr. Galtore

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1 said earlier he was unconscious. Now the problem to figure
2 out is which story is accurate about when he became
3 abnormal, when he started acting abnormal and so that's the
4 difficulty.

5 Q Right.

6 A We apparently have some people that
7 observed him the night before in the condition that was not
8 terribly abnormal so he, he did not have those skull
9 fractures the night before.

10 Q But your, your, your testimony, and correct
11 me if I'm wrong, is that these skull fractures can be no
12 older than three days?

13 A The blood says they're no older than three
14 days. The clinical story if you take the accuracy of the
15 other people that saw him at the swimming pool they
16 couldn't have been there. It would have been after that
17 because he could not have been acting normal.

18 Q Well, well let me say it like this, we've
19 had testimony that 911 was contacted on Monday the 14th at
20 6:06 p.m.

21 A Yes.

22 Q I'm trying to figure out when in
23 relationship to that time 6 p.m. when this injury would
24 have been inflicted on Minor What is your medical
25 opinion?

Dr. Abel - Cross Examination by Mr. Galmore

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1 A My opinion it would have occurred that day,
2 possibly the night before, but after he was seen by other
3 people and was normal.

4 Q So are we talking three hours, six hours,
5 twelve hours?

6 A Again the problem with this is that the
7 history is coming from the defendants and so it's very
8 difficult to assess the veracity of the history.

9 Q Yes, the problem is the history, yes?

10 A Correct.

11 Q Well let's take the history out of it and
12 just look at the wound itself?

13 A Yes.

14 Q Without referencing the historical
15 information that was given to you, can you tell us to a
16 reasonable degree of medical certainty when the skull
17 fracture was inflicted?

18 A I would, if you have no history at all it
19 would have been fairly soon around the time the child was
20 brought to medical attention because he would have
21 proceeded to die if he hadn't been put on the respirator,
22 so my judgment is it would be that day.

23 Q Sometime that day that's your answer? I'm
24 not trying to put words in your mouth.

25 A That day, the middle of the night the night

Dr. Abel - Redirect Examination by Ms. Lively

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1 before, but it had to have been after he had neutral people
2 say he looked normal.

3 Q Okay, so your answer is some time after he
4 returned from the swimming pool?

5 A Yes.

6 Q Could hitting your head on the side of the
7 swimming pool, if it's a cement pool, could that cause
8 these type of skull fractures?

9 A This type of skull fracture would be if his
10 head had been slammed forcefully against the pool and the
11 problem is it's both sides of the head, so it would have
12 been two blows and that's not consistent with a normal
13 accident in a swimming pool and there's no history of an
14 accident in the swimming pool, to my knowledge.

15 Q Okay, so your testimony is that some time
16 after he returned from the pool up until the Monday at 6
17 p.m. somewhere in there is where the injury occurred?

18 A Yes.

19 Q Can you narrow it down any more than that?

20 A Not really.

21 Mr. Galmore: All right, thank you very much.

22 The Court: Let's wait and see if Ms. Lively has
23 any further --

24 Ms. Grabert-Lowenstein: I'm sorry, Your Honor.

25 The Court: Ms. Lively, do you have any further

Dr. Abel - Redirect Examination by Ms. Lively

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1 questions?

2 Ms. Lively: Yes, sir, I was just got used to
3 her going.

4 Ms. Grabert-Lowenstein: Sorry.

5 Redirect Examination

6 By Ms. Lively:

7 Q In regards to two issues, first of all do
8 you have any information in your records to show that
9 Minor had to be resuscitated or CPR given to him at any
10 time?

11 A Only as part of EMS being called the night
12 of the 14th.

13 Q Okay, and I'm specifically asking if
14 there's any indication that he received chest compressions
15 or resuscitation or did he just receive oxygen, in your
16 records does it show?

17 A It's not in my records; it's in the EMS
18 record.

19 Q Okay.

20 A And I could look in it if you want me to
21 look at it.

22 Q Okay, and if it's not in the EMS record
23 would it be that it didn't happen; could you tell us?

24 A I couldn't tell you.

25 Q Okay, will you look in the record then and

Dr. Abel - Redirect Examination by Ms. Lively

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1 tell us whether it's documented that he received CPR or any
2 type of resuscitative maneuvers on his body?

3 A You know, I don't have that record; do you
4 have that record?

5 Q I do.

6 Ms. Lively: If I may approach, Your Honor?

7 The Court: Certainly.

8 Ms. Lively: (Continuing)

9 Q So we would have to leave that up to the
10 EMT's; is that right?

11 A Yes.

12 Q Okay, that's fair. Well let me ask you
13 this, I'm looking over your consultation report in regards
14 to the timing, which we've gone over et nauseam, but let me
15 ask you this, when you did your final assessment based on
16 all the information you had, including the two-week-old
17 potential puppy dog stroller issue and the history that was
18 given to you by the defendants in your assessment, you were
19 able to give a clearer time line in regards to when you
20 believed this child would have had the inflicted injury;
21 would you please look at your report and refresh your
22 recollection for the jury?

23 A Yes.

24 Q Okay, and if you would, please, and I know
25 this case is from 2008 so read through that and refresh

Dr. Abel - Redirect Examination by Ms. Lively

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1 your recollection, based on all the information you were
2 given at that time, what was your opinion regarding the
3 time line for the injuries to this child based on the
4 information that was given to you?

5 A That the head injury was no more than three
6 days old and if timed by both the head imaging and the time
7 of the sudden change in his clinical status as given by the
8 maternal grandmother and her boyfriend was no more than
9 three hours old.

10 Q Three hours old from what?

11 A From the time he was taken to the outside
12 emergency department.

13 Q Okay, so three hours from the time he got
14 to the Conway E.R.?

15 A Right.

16 Q All right, which was, do you know was that
17 approximately 6:58 p.m.?

18 A I don't recall the exact time.

19 Q Okay, all right, and that was your
20 documentation from three years ago when you actually were
21 involved in your consult?

22 A Yeah, three and a half years ago, yeah.

23 Ms. Lively: Okay, thank you, Dr. Abel, that's
24 all.

25 The Court: Ms. Grabert-Lowenstein?

Dr. Abel - Recross Ex. by Ms. Grabert-Lowenstein 558

Ms. Grabert-Lowenstein: Thank you, Your Honor.

Recross Examination

By Ms. Grabert-Lowenstein:

Q Doctor, if the child was sleeping normally at 4:30 p.m. does that lessen the time frame that the injuries could have occurred in?

A If the child is sleeping normally, one of the difficulties is that children with head injuries if the person doesn't tell anybody that they did a head injury and, and the child is unconscious it's very difficult for another observer who doesn't know about the head injury to realize that the child is unconscious.

Q But if indeed the report is accurate that the child was sleeping ---

A Yes.

Q --- and sleeping normally that would narrow down that, that time much less than the three hours, correct, Doctor?

A It's very difficult cause when you're sleeping you're not doing anything, you know, you're just laying there breathing and so it's hard to assess how normal a person is when they're asleep.

Q Let me ask you a hypothetical. Again, if you have the information that the child is sleeping normally that there's no sounds, nothing to indicate that

Dr. Abel - Recross Ex. by Ms. Grabert-Lowenstein

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1 he's not sleeping normally, that would lessen that time
2 frame a great deal from the three hours maximum, correct?

3 A That's very hard to answer because it's,
4 the signs of head trauma are changing consciousness,
5 sometime seizures, sometimes breathing abnormalities.
6 They, they don't all happen at once, so a child could have
7 a head injury and be quietly breathing and apparently
8 sleeping but actually unconscious and it would not be
9 possible for a person who didn't know that they had had the
10 head injury to realize it until later, until something more
11 started happening.

12 Q Right, and ---

13 A Yeah.

14 Q --- but you would expect to see, would you
15 not, breathing and, you know, breathing difficulties and
16 the seizure activity?

17 A I would expect that after the head injury
18 this child sustained he would be unconscious so he'd be
19 quiet, flaccid, probably still breathing and as the
20 swelling in the brain got worse and he's getting worse and
21 worse then he might start to breathe more slowly and
22 possibly have a seizure and become more abnormal as things
23 go on.

24 Q And, Doctor, is your hesitation the fact
25 that you weren't there, you didn't actually have an

Dr. Abel - Recross Ex. by Ms. Grabert-Lowenstein

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1 opportunity to see the exact sequence of what occurred?

2 A No, my hesitation is that your
3 characterization doesn't make sense.

4 Q I'm asking you if the facts are that
5 everything is normal at 4:30 wouldn't that lessen the time
6 frame for when the injuries could have occurred?

7 A You're assuming that the observer is able
8 to detect things that maybe aren't detectable yet.

9 Q Okay, and aren't you assuming that the
10 child being reported as sleeping normally is incorrect?

11 A I'm telling you that's a real possibility;
12 I don't know.

13 Q Okay, and you don't know because you
14 weren't there?

15 A Correct.

16 Q Okay, but the fact of the matter is this,
17 this injury didn't necessarily have to occurred at the full
18 end of the three hours?

19 A Can you rephrase that?

20 Ms. Lively: Your Honor, I just want to object
21 to asked and answered, it seems like it's just continuously
22 going on.

23 The Court: One more, one more, Ms. Grabert-
24 Lowenstein.

25 Ms. Lively: Thank you.

Dr. Abel - Recross Ex. by Ms. Grabert-Lowenstein

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1 Ms. Grabert-Lowenstein: (Continuing)

2 Q You indicated in your report that based on
3 everything no more than three hours?

4 A That's assuming that the history given by
5 the defendants was accurate.

6 Q And are you assuming that it wasn't?

7 A I'm, I'm saying I don't know.

8 Q Okay, and my point being that if it was
9 accurate that just reduces the time frame drastically from
10 the maximum of three hours?

11 A Yes.

12 Q Okay, thank you, Doctor, just a couple of
13 more questions. Could any of the bruises you observed have
14 occurred if, if Minor hit something as he was seizing?

15 A If he fell off of a, off of a bed and
16 landed on something, possibly; I didn't get any history
17 like that.

18 Q Okay, but that is, that is a possibility.
19 The other thing is if he's seizing and posturing as we've
20 heard testimony as and the paramedics were trying to work
21 on him would they have not had to restrain him to, to work
22 on him?

23 A Yeah, they would have to hold him down
24 enough to get an I.V. in and I believe they did get an I.V.
25 in.

Dr. Abel - Recross Examination by Mr. Galmore

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1 Q And could that have caused any of the
2 bruising?

3 A Usually the bruising with that kind of
4 thing would be on the extremities of being held or like I
5 mentioned if they have to tilt his chin up to put in that
6 intratrachial tube.

7 Ms. Grabert-Lowenstein: Okay, all right, I have
8 nothing further, thank you, Your Honor.

9 Mr. Galmore: Very briefly, Your Honor.

10 The Court: Yes.

11 Recross Examination

12 By Mr. Galmore:

13 Q Dr. Abel, if a child has been struck in the
14 head and lost consciousness and that child was not seizing
15 and not posturing is it possible that that child would
16 appear to be asleep?

17 A Yes.

18 Q Now if someone attempted to wake up a child
19 believing that this child was asleep and the child was in
20 fact unconscious and not seizing and not posturing, if that
21 person attempted to say pick the child up to wake him up
22 could that cause seizing?

23 A No.

24 Q Could it cause posturing?

25 A No, posturing is part of the seizing.

Dr. Abel - Recross Examination by Mr. Galtmore

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1 Q Yes, ma'am.

2 A And so the seizures caused by brain wave
3 activity and in normally handling picking up a child
4 wouldn't cause a seizure even, even ---

5 Q Yes, ma'am.

6 A --- to my knowledge even in a brain damaged
7 child that had just been struck.

8 Mr. Galtmore: Okay, thank you very much.

9 Ms. Lively: That's all, Your Honor.

10 The Court: You may step down, Dr. Abel.

11 Ms. Lively: May this witness be excused from
12 her subpoena?

13 The Court: Any objection?

14 Mr. Galtmore: No, sir.

15 Ms. Grabert-Lowenstein: No objection, Your
16 Honor.

17 The Court: You're excused and released from
18 your subpoena, Dr. Abel, thank you for coming.

19 Witness?

20 Ms. Cote: Your Honor, we have to take up a
21 brief legal issue before we call our next witness.

22 The Court: All right.

23 (Whereupon, the jury retired to the jury room at
24 4:34 p.m.)

25 Ms. Cote: Thank you, Your Honor, this is an

Ms. Bessant - Direct Examination by Ms. Lively

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1 A Yes, they were.

2 Q And where were they living?

3 A Off Highway 319 and they were living in a
4 home rented by the same man that the mobile home was rented
5 by but he had a house and then when her other two children
6 left to go Hawaii, Kyle and Kayla, they moved into the
7 single wide trailer like two, two doors down, like two, two
8 houses down.

9 Q And when you say the two children, Kyle and
10 Kayla, whose two children are you referring to?

11 A Those would be Julia's children.

12 Q Okay, and what were their ages; do you
13 recall?

14 A Kayla was about ten and Kyle was twelve.

15 Q Okay, were you aware if Mr. Palmer had any
16 children?

17 A Yes, I was aware that he had a son Dylan
18 with Amanda Tyler.

19 Q And how old was Dylan around that time?

20 A Approximately three.

21 Q Okay, now, Marsha, whenever, do you recall
22 spending some time with, well before Cesalee actually came
23 in June of 2008, please tell the jury what the relationship
24 that you observed was like between Robert and Julie.

25 A Very stressed, Julie was, there was a lot

Ms. Bessant - Direct Examination by Ms. Lively

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1 of problems, financial.

2 Q Who told you that?

3 A Julie, Julie had told me, you know ---

4 Mr. Galtmore: Objection, hearsay, Your Honor.

5

6 The Court: I'll admit it.

7 Ms. Lively: Thank you.

8 Q (Continuing) What did she tell you, Marsha?

9 A She would tell me that, she told me they
10 had a joint checking account and it was her account and she
11 had put Robert on the account and, you know, he would take
12 money out because, you know, he could and she would check
13 sometimes on my home computer, you know, I can't believe
14 he's taken this money out, and, and he ---

15 Q Where was he working at the time?

16 A I don't think he had a job at the time, she
17 was the only one working and she was working at the ---

18 Ms. Grabert-Lowenstein: Objection, speculation,
19 lack of foundation.

20 The Court: All right.

21 Ms. Lively: Okay.

22 Q (Continuing) Do you know for sure whether
23 he was working or not at that time?

24 A I do not.

25 Q Okay, and whenever, would you have

Ms. Bessant - Direct Examination by Ms. Lively

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1 conversations with Julie about, about any other issues with
2 herself, Robert, or anything?

3 A Yes, she was like distraught. Robert would
4 want to go out like with his friends and she would cook
5 dinner, he wouldn't come home, and she would, you know,
6 call me crying, you know, Robert took money out the bank or
7 I cooked he didn't come home, and --

8 Q And how did she handle those situation when
9 she was talking to you; what were those conversations like?

10 A I mean she would, she cry and it would, she
11 was very upset and, you know, I told her, you know, as a
12 friend to that if he was doing those things, you know, to
13 pack his crap, I said a different word, but and put it on
14 the porch or go home, take his name off your checking
15 account and, you know, and she never did any of those
16 things.

17 Q Okay, and whenever, when did you learn that
18 Cesalee and Minor were coming into town?

19 A Julie had told me maybe two weeks before
20 Cesalee and Minor had arrived.

21 Q Okay, and how, and how was she when that
22 conversation regarding meeting, well do you know if she had
23 ever seen her grandson?

24 A No, I mean maybe through pictures but never
25 in person.

Ms. Bessant - Direct Examination by Ms. Lively

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1 Q Okay, and so when she told you that a
2 couple of weeks before they got there that he was coming
3 how did she act?

4 A She acted happy, you know.

5 Q And how did you feel knowing about their
6 relationship about Cesalee coming with Minor

7 Ms. Grabert-Lowenstein: Objection, relevance.

8 The Court: What's the relevance of that?

9 Ms. Lively: The relevance, Your Honor, is that
10 she was aware of Julia and Palmer's problems financially.

11 The Court: You asked her how she felt.

12 Ms. Lively: I'm sorry?

13 The Court: Didn't you ask her how this witness
14 felt about it?

15 Ms. Lively: Yes, and her own personal feelings
16 regarding having ---

17 The Court: Why don't you ask her if she had any
18 concerns about it.

19 Ms. Lively: Right.

20 The Court: Why don't you ask her that if she
21 had any concerns?

22

23 Ms. Lively: (Continuing)

24 Q Did you have any concerns regarding Cesalee
25 and Minor coming knowing their, what you had heard Julie

Ms. Bessant - Direct Examination by Ms. Lively

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1 say about their financial problems?

2 Ms. Grabert-Lowenstein: Objection, relevance.

3 The Court: I'm going to allow it.

4 Ms. Lively: (Continuing)

5 Q Did you have any concerns?

6 A You know, I thought maybe it would, you
7 know, make her happy to see her daughter and her grandson
8 and, you know, but financially and her stress level I felt
9 like, I feel like, you know, I didn't know that Cesalee was
10 going to stay a month. I thought just a visit, you know,
11 I didn't realize she was staying a month.

12 Q Okay, that's fair, and so, Marsha, did you
13 have the opportunity when Cesalee got here with Minor to
14 spend some time with them?

15 A Yes, I did.

16 Q Okay, tell the jury the first time that you
17 actually met Cesalee and Minor

18 A The first time I had met Cesalee and Minor
19 Julie had drove them to my house and they stayed about an
20 hour. Cesalee was, I give Cesalee a big Texas cinnamon bun
21 and she kind of, you know, pinched off little pieces and
22 give to Minor and he was like right at his mother's, you
23 know, arms, you know. She wouldn't let him like get away
24 or I mean, you know, she was, he was clinging to his
25 mother, you know.

Ms. Bessant - Direct Examination by Ms. Lively

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1 Q And was this, this was the first time you
2 met him?

3 A This is the very, the very first time I had
4 met him.

5 Q Okay, and how, how long was it you said
6 they were there in your house?

7 A Forty-five minutes to an hour.

8 Q And based upon your observations was
9 Cesalee attentive to the child?

10 A She was very attentive, you know. She, the
11 whole time that they were there Minor was in her arms or
12 if he would get down I have ceramic tile flooring in the
13 kitchen and she was like, you know, very careful to hold
14 him and like, you know, so that he wouldn't fall.

15 Q Was he walking at that time?

16 A Yeah, he was walking.

17 Q What were your observations of his physical
18 appearance?

19 A He seemed a little tired, you know, but he
20 could have just woke up or he just like clung to Cesalee
21 like, you know, he was in a new environment and, you know,
22 he had never been in my home or met me and he just, I mean
23 he just like clinged to his mother like, you know, he felt
24 safe and I would, you know, say, hey, buddy, and, you know,
25 try to get him to interact and he would just kind of just

1 shy away.

2 Q But did he react to you?

3 A Yeah, I mean he would, you know, with a
4 smile or, you know, and he would say Mama to Cesalee and --

5 Q And what, if anything, before Cesalee got
6 there and you met her and Minor did Julie tell you about
7 Cesalee?

8 A She said that she would be happy to have
9 time with her alone, that Cesalee would be happy to have
10 time with Julie alone because Kyle and Kayla, Julie's other
11 two children, were gone.

12 Q So that was part of timing of her coming or
13 do you know?

14 A Yes, that was when she was coming, that
15 Cesalee would be happy to have her, Julie all to herself.

16 Q Okay.

17 A And --

18 Q Now after that visit did you have an
19 opportunity to spend any time with Cesalee and Aydian
20 again?

21 A Yes, I did, we had went to the Myrtle Beach
22 State Park one day.

23 Q Okay, do you remember about when that was?

24 A Seems like it was like later on that week
25 or maybe the beginning of the next week.

Ms. Bessant - Direct Examination by Ms. Lively

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1 Q So sometime in June 2008?

2 A Yes, it was the day the photos were taken.

3 Ms. Lively: Okay, if I may approach, Your
4 Honor?

5 The Court: Yes.

6 Ms. Lively: (Continuing)

7 Q I'm going to show you one of these State's
8 Exhibit 10 and State's 8, they're both in evidence and ask
9 you which one of these do you recognize as being the day
10 that you were at the beach with them? I know it's been a
11 long time; do you recall?

12 A I recall going to the beach and --

13 Q If you don't that's okay?

14 A I can't remember Cesalee. I feel like she
15 was wearing this pink bathing suit but I can't be for sure.

16 Q That's fine, that's fine, but you did go to
17 the beach with them?

18 A I did, yes.

19 Q Okay, and who all was with ya'll whenever
20 you went to the beach?

21 A It was me, Julia, Cesalee, and Minor

22 Q Okay, now, Marsha, tell this jury what you
23 observed, the behaviors of Minor whenever you were there
24 at the beach that day?

25 A Well he, you know, Cesalee played in the

1 sand with him and, you know, he smiled and like he would
2 like get, try to get away and she would, you know, make
3 sure he didn't get too far. She was real attentive a lot
4 after him and, you know, she, he seemed to enjoy the day at
5 the beach, you know.

6 Q And while he, while, how long were ya'll
7 there; do you remember?

8 A Probably an hour and forty minutes to two
9 hours.

10 Q Okay, and during that time while you were
11 there who was the one that watched over and, and caretaker
12 for Minor

13 A Cesalee.

14 Q Did you ever see her with Minor get
15 frustrated or punish him in any way?

16 A Never.

17 Q And how was Aydian towards his mother? Did
18 you ever see him be hit at her or bite her or anything like
19 that?

20 A No, I never saw any of that.

21 Q Now whenever, were you aware that Cesalee
22 was leaving the Horry County area without Minor

23 A No, I was unaware of that.

24 Q Okay, when, if ever, did you become aware
25 of that?

Ms. Bessant - Direct Examination by Ms. Lively

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1 A After it was on the news that's when I
2 become aware of that.

3 Q Did you ever visit with Julie and Robert
4 Palmer in their home after Cesalee had left Minor there?

5 A No.

6 Q Had you ever seen any of their pets in
7 their home?

8 A Yes, I saw an English bulldog.

9 Q Okay, and had you ever had any interaction
10 with this dog?

11 A Well I saw the dog and I'm not a real dog
12 person so, no, I mean I might have petted him once or twice
13 but --

14 Q And had you, you might have already
15 answered this but let me make sure, did you ever see Minor
16 and the bulldog together?

17 A No, I don't think so, no.

18 Q Now you said that you realized that Cesalee
19 had left Minor after you saw the news, don't tell us about
20 what you saw on the news, but when was the next time after
21 that, if any, that you had any contact with Julia Gorman?

22 A In jail, I went, I came to visit her in
23 jail.

24 Q Okay, and will you, please, tell the jury
25 what, if anything, she said to you about Minor during that

1 visit?

2 Mr. Galtore: Your Honor, that would be hearsay.

3 The Court: Understand, I'm going to allow it.

4 Ms. Lively: (Continuing)

5 Q You can tell me what it was that she told
6 you in regard to Minor when you visited her in the jail?

7 A Well she, she didn't really say much of
8 about Minor She was just distraught and crying and
9 worried about Robert, you know, and she would call him
10 "Joe-Joe" that was his like nickname she would call him, is
11 he okay, and, you know, she was very concerned about
12 Robert.

13 Q Okay, did she ever say anything to you
14 about Minor then?

15 A She did mention that he, the dog knocked
16 him into the dog cage and she was, you know, crying and
17 crying and --

18 Q And did you ask her what happened or did
19 she just offer that?

20

21 A She just offered that, and I didn't ask her
22 what happened.

23 Q Did Julia ask you to do anything for her
24 while you were there?

25 A Yeah, on one of the visits she had wanted

Ms. Bessant - Cross Ex. by Ms. Grabert-Lowenstein 594

1 me to go and print some pictures out of Robert and send to
2 her and I would not. I printed some pictures of the kids
3 and I sent those but I would not send any of Robert.

4 Ms. Lively: Just a second, okay. Thank you,
5 Marsha, I appreciate it, please, answer any questions the
6 defense may have for you.

7 Cross Examination

8 By Ms. Grabert-Lowenstein:

9 Q Good morning, Marsha, you described phone
10 calls where Julia was distraught and crying, how many of
11 those type of phone calls did you and she exchange?

12 A Several.

13 Q Were any of them lengthy?

14 A Yes.

15 Q So was she crying during the entire phone
16 call?

17 A The last phone call she was just squalling,
18 I mean crying the whole time. I couldn't hardly, like she
19 was crying so hard I could not like understand all of the
20 words but it was, you know, Robert, Robert, Robert, Robert.

21 Q She was, she was stressed about the
22 relationship and to your knowledge she never did anything
23 about the relationship, correct?

24 A No, I told, I mean, no, I offered her
25 advice to go home take his name off the checking account

Ms. Brown - Direct Examination by Ms. Lively

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1 Mr. Galtore: I'm sorry, Your Honor, she did not
2 cross examine the witness.

3 Ms. Grabert-Lowenstein: I'm sorry, Your Honor.

4 The Court: Okay.

5 Ms. Grabert-Lowenstein: That's fine.

6 Ms. Cote: Your Honor, may Mr. Whiteis be
7 excused from his subpoena?

8 The Court: Any objection?

9 Mr. Galtore: No, sir.

10 Ms. Grabert-Lowenstein: No, Your Honor.

11 The Court: You're excused.

12 Ms. Lively: The State calls Yvette Brown to the
13 stand.

14 The Court: Come around, Ms. Brown.

15 **Yvette C. Brown**

16 **being first duly sworn, testified as follows:**

17 Madam Clerk: Please state your full name and
18 spell your last name for the Court?

19 The Witness: My name is Yvette Catherine Brown,
20 my last spelling on my last name is b-r-o-w-n.

21 **Direct Examination**

22 **By Ms. Lively:**

23 Q Yvette, please tell the jury where you're
24 currently employed?

25 A I'm currently employed with the Horry

Ms. Brown - Direct Examination by Ms. Lively

623

1 County Department of Social Services.

2 Q How long have you worked there?

3 A Approximately nine years.

4 Q And what are your duties there?

5 A I'm an investigator; I work in child
6 protective services.

7 Q Okay, and is Mr. Whiteis someone that you
8 work with quite often?

9 A Correct.

10 Q Okay, who's your direct supervisor now?

11 A Brad Whiteis.

12 Q Brad Whiteis?

13 A Yes.

14 Q All right, now, Yvette, did you have the
15 opportunity to become involved in a case with a patient by
16 the Minor in July of 2008?

17 A I did.

18 Q Will you, please, tell this jury why you
19 were given this case?

20 A Well we go by rotation so I was the next
21 one up for the next case that was received.

22 Q Okay, and so you were next in line?

23 A Yes, I was.

24 Q All right, and tell the jury exactly what
25 you did once you learned this case was assigned to you and

Ms. Brown - Direct Examination by Ms. Lively

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1 what you had to do?

2 A I had to travel to MUSC in Charleston to
3 get the information that was going on with the child.

4 Q Okay, and before you actually go to, to
5 begin your investigation are you provided with just some
6 preliminary information about what to expect?

7 A Yes, I am.

8 Q Okay, so what preliminary information were
9 you given regarding this particular case?

10 A The allegations were that Minor , age one,
11 was brought to the E.R. by his grandmother, the baby was
12 dropped off at grandma's house by, by his mother a couple
13 of days ago and she hasn't been in contact since the child,
14 since then. The child was cranky and sleepy. The baby was
15 diagnosed with a fractured skull and blood on the brain and
16 he was transported to MUSC.

17 Q Okay, and, and based upon that information
18 that, was that how you knew what it was that you were
19 walking into at MUSC?

20 A Yes, yes.

21 Q Okay, now what time did you leave Horry
22 County to go to MUSC?

23 A I left the office approximately 9:30, 9,
24 9:30.

25 Q Okay, and tell the jury when you got there

Ms. Brown - Direct Examination by Ms. Lively

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1 where did you go?

2 A I went straight to the NICU to check on the
3 child.

4 Q All right, and whenever you got there tell
5 the jury what it was that you observed?

6 A When I got there I observed Ms. Gorman, the
7 nurse, Minor, they were in the NICU room, I looked at the
8 child.

9 Q And tell the jury exactly what you
10 observed?

11 A I observed him with a neck brace on and I
12 also observed some bruising on his thighs and his lower
13 legs.

14 Q And when he was in that, in that bed what
15 did he have on him, were there clothes or not?

16 A No, there were no clothes, there was just a
17 lot of tubes, ventilators, a neck brace, and they had a
18 little like a little pamper but it wasn't closed.

19 Q At that time did you personally observe any
20 reactions or movements by the child?

21 A At that time, no, no.

22 Q Okay, now you mentioned that you saw
23 bruises what, if anything, did you learn regarding these
24 bruises that day?

25 A Well I asked the nurse initially because he

Ms. Brown - Direct Examination by Ms. Lively

626

1 had darker bruises on his thigh area ---

2 Ms. Grabert-Lowenstein: Objection, hearsay, and
3 lack of foundation for any description of the bruises, this
4 person is not qualified.

5 The Court: I don't think, I don't think she
6 said what the nurse said and she can give a layperson's
7 description of the bruises.

8 Ms. Lively: Yes, sir.

9 Q (Continuing) Just give me your description
10 of the bruises, not what the nurse told you, okay?

11 A Okay.

12 Q Just tell this jury what you saw?

13 A I saw purple bruises on his thigh and I
14 also saw like yellow greenish bruises down on his lower
15 legs.

16 Q Okay, and when you saw those bruises who,
17 if anyone, did you ask about those bruises?

18 A I asked Ms. Gorman about the bruises.

19 Q All right, tell the jury what she told you
20 when you asked about those bruises?

21 A She said he liked to pinch himself, that
22 was the, that's what she said when I asked him how did he
23 get the bruises, oh, he likes to pinch himself is what she
24 said to me.

25 Q He likes to pinch himself?

Ms. Brown - Direct Examination by Ms. Lively

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1 A Correct.

2 Q Were you there when photos of Minor were
3 taken?

4 A Yes.

5 Q Did the photos, and I'm just going to show
6 you but you don't have to go through each one, but I'm just
7 going to, there were several and just, if you'll just
8 quickly look through, are these consistent with what you
9 saw whenever you went to the hospital on July the 15th,
10 2008?

11 The Court: Identify those?

12 Ms. Lively: I'm sorry, Your Honor, those are
13 State's Exhibit, I believe, Number 34 through 55, 34
14 through 55, Your Honor, thank you.

15 The Court: Very well.

16 Ms. Lively: (Continuing)

17 Q And like I said you don't have to identify
18 each one just tell us if they're consistent with what your
19 personal observations were that day?

20 A Yes, they are.

21 Q They are, thank you, Yvette, now what was
22 the next step in your duties as an investigator in this
23 case? Do you need some water?

24 A Please.

25 Q What's the next thing you have to do,

1 Yvette?

2 A I then spoke with the doctors and the
3 assigned social worker.

4 Q Okay, and after you spoke to the doctors
5 and the social worker what then were you required to do as
6 a part of your investigation?

7 A I was required to speak with Ms. Gorman but
8 that happened later on, to get demographics and stuff of
9 that nature, to kind of find out what happened to Minor

10 Q And whenever you begin an investigation
11 like this what are you trying to determine regarding the
12 primary caretakers of the child?

13 A We're trying to determine basically what
14 happened to the child and whose care was the child in when
15 the injury occurred.

16 Q Okay, all right, and so were you aware of
17 who the primary caretakers were at that point?

18 A Yes, I was.

19 Q Okay, and would this have been information
20 you could have received through your supervisor Whiteis?

21 A With the allegations, yes.

22 Q Okay, now, Yvette, did you end up speaking
23 with Defendant Gorman and Defendant Palmer on that day?

24 A I did.

25 Q Now whenever you meet with a caregiver how

Ms. Brown - Direct Examination by Ms. Lively

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1 do you present yourself in regards to what it is your job
2 duties are?

3 A I identify myself and with whom I'm
4 employed. I then give the state mandated brochures to let
5 them know that they are being investigated by our
6 department, the civil rights information and all of that,
7 and then we proceed with the interview.

8 Q Do you make sure that they completely
9 understand what your job duties are?

10 A Yes, they do.

11 Q Okay, and at any point in time do you
12 threaten them, coerce them, or tell them you have any type
13 of, that you could lock them up if you wanted to?

14 A No, ma'am.

15 Q Okay, all right, so whenever you talk to a
16 caregiver how would you describe your demeanor towards this
17 person?

18 A My demeanor is non threatening at all, you
19 know, we are social services so we want to hear all parties
20 sides of what happened.

21 Q Okay, all right, so who did you speak with
22 first?

23 A Ms. Gorman.

24 Q And whenever you spoke to her tell us the
25 environment that you spoke to her in?

Ms. Brown - Direct Examination by Ms. Lively

630

1 A We were in a room just she and I during the
2 interview.

3 Q All right, and will you, please, tell the
4 jury what took place during that, during that conversation
5 with Ms. Gorman?

6 A Like I stated she gave me all of her
7 demographics, the state she lived in, any other minor
8 children, where they were located, information like that.

9 Q Okay, and what information, if any, did she
10 give you regarding the biological mother and father of
11 Minor

12 A She told me that Cesalee dropped Minor off
13 and she left on July 2nd and Richard, Sr. was actually in
14 Virginia at a military base and Cesalee went to Arizona for
15 some personal business and I guess she was going to come
16 back to pick Minor up and be united with Mr. Richard in
17 Virginia.

18 Q Okay, and how did she describe Minor to
19 you while he had been in her care?

20 A She said he was cranky, he looked
21 underweight, undernourished, and that his head had a
22 squishy feel to it like it didn't have bone structure.

23 Q Okay, did that strike you as odd?

24 A It did.

25 Q Okay, what else did, if anything, did she

Ms. Brown - Direct Examination by Ms. Lively

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1 tell you about Minor before you got to the July 14th date?

2 A She had taken him to a doctor and the
3 doctor said that he was okay.

4 Q Okay, so she told you she had been having
5 him treated?

6 A Correct.

7 Q All right, did she give you any information
8 regarding any kind of injuries that Minor suffered while
9 in her care?

10 A No.

11 Q At any time did Ms. Palmer, Ms. Palmer, I'm
12 sorry, did Ms. Gorman provide you with information as to
13 any other caregivers for Minor while he had been living
14 with her?

15 A No one other than Mr. Palmer.

16 Q Okay, so just the two of them?

17 A The two of them, correct.

18 Q Okay, was she working at the time?

19 A Yes, she was.

20 Q All right, did she tell you where?

21 A At Bass Pro Shop.

22 Q All right, did she tell you whether Mr.
23 Palmer was working?

24 A He was not at the time.

25 Q All right, now, Yvette, how did you get to

Ms. Brown - Direct Examination by Ms. Lively

632

1 your questioning about how the child came to the E.R. on
2 the 14th?

3 A I just asked her what happened and that's
4 when she told me that he had a little, that he was seizing
5 and that's when she called 911.

6 Q Did she give you any more details about
7 specifically what happened on the 14th, like what kind of
8 day it was, what she had done, what Minor had done?

9 A Yes, they are at, I was, she told me that
10 they were at a picnic at Mr. Palmer's parents home and they
11 were just at a picnic, that they had a cookout with Mr.
12 Palmer's son and they had a little pool for them to play in
13 and he was okay.

14 Q Okay, she told you he was okay?

15 A Right.

16 Q At that event?

17 A Right.

18 Q All right, what did she tell you about the
19 14th, the day that he was actually seen in Conway Medical
20 Center, and if you need to refer to your notes you can?

21 A Okay, what was your question?

22 Q Okay, specifically for the day that Minor
23 went to the E.R. did she give you any details about what
24 she personally did that day?

25 A No.

Ms. Brown - Direct Examination by Ms. Lively

633

1 Q Okay, all right, so what were there, if,
2 did she tell you anything about what happened with Minor
3 that day before he got to the E.R.?

4 A No.

5 Q Okay, now after you were finished
6 interviewing her what did you do?

7 A I went back, that's when I was informed
8 that the detectives were there, I'm sorry, cause I
9 interviewed her twice, I went to the NICU twice, I then
10 went out and spoke with Mr. Palmer.

11 Q Okay, and when you spoke with Mr. Palmer
12 was it in the same environment as you were in with Ms.
13 Gorman?

14 A No.

15 Q All right, where did you speak with him?

16 A Outside under the vestibule, I think, is
17 what it's called.

18 Q Okay, and, please, tell the jury what Mr.
19 Palmer, what information he provided to you?

20 A Just basic demographics, he was born and
21 raised in Horry County; he had a five year old son who was
22 currently with his parents because he goes to a camp. He,
23 that was basically it, he, he was jut stunned, bewildered.

24 Q Okay, stunned and bewildered?

25 A Right, like, yeah.

Ms. Brown - Direct Examination by Ms. Lively

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1 Q Well did you ask him what had taken place
2 on July the 14th of 2008 when Minor ended up in the E.R.?

3 A I did.

4 Q And what information did Mr. Palmer provide
5 to you?

6 A He said he didn't know, he just didn't
7 know.

8 Q He didn't know?

9 A No, ma'am.

10 Q After you did these interviews, Yvette, did
11 you have any other duties at that time in regards to
12 investigating this case?

13 A No, no.

14 Q And in regards to your conversations with
15 Gorman and Palmer did you document those conversations?

16 A I did.

17 Q Okay, and since that time is the DSS case
18 just remained open pending this case?

19 A No, it's closed.

20 Q It is closed, okay, did you speak to any
21 other individuals other than Julie Gorman and Robert Palmer
22 in this investigation?

23 A I have.

24 Q Who else did you speak to in your
25 investigation?

Ms. Brown - Cross Ex. by Ms. Grabert-Lowenstein

635

1 A Ms. Gail Palmer and Mr. Palmer.

2 Q Mr. Palmer, would those be Robert's
3 parents?

4 A Robert's parents, yes.

5 Q Okay, and were they able to provide you any
6 kind of information to explain what had happened or how
7 Minor got to the E.R. on July 14th, 2008?

8 A Not how he got to the E.R., no.

9 Ms. Lively: Okay, Yvette, thank you so much,
10 please answer any questions the defense may have for you.

11 The Court: Ms. Grabert-Lowenstein?

12 Ms. Grabert-Lowenstein: Just briefly, Your
13 Honor.

14 Cross Examination

15 By Ms. Grabert-Lowenstein:

16 Q Can you tell us when the call through the
17 hotline came in?

18 A I didn't take the call so I cannot, I ---

19 Q Would it have come in prior to you getting
20 assigned to the case?

21 A Yes.

22 Q You said that Ms. Gorman gave you
23 demographic information, where are her other children
24 living?

25 A In Hawaii.

Ms. Brown - Cross Examination by Mr. Galmore

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1 Q With, with whom?

2 A With her ex-husband.

3 Q And did Mr. Palmer answer all your
4 questions?

5 A Yes.

6 Q Did Ms. Gail Palmer answer all your
7 questions?

8 A Yes.

9 Q And did Mr. James or Jimmy Palmer answer
10 all your questions?

11 A Yes.

12 Q Okay --

13 Ms. Grabert-Lowenstein: If I could have just a
14 moment, Your Honor, but I believe that's everything. I
15 have no further questions.

16 The Court: Mr. Galmore?

17 Cross Examination

18 By Mr. Galmore:

19 Q Good morning, Ms. Brown.

20 A Good morning.

21 Q Just a few questions. So you are, what is
22 your title with DSS?

23 A Investigator.

24 Q Okay, as an investigator are you authorized
25 to arrest people?

Ms. Brown - Cross Examination by Mr. Galmore

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1 A No.

2 Q No, okay, so you work in conjunction with
3 the police?

4 A Yes.

5 Q I assume that you've had classes and
6 training in investigating signs of abuse, cases of abuse?

7 A I have.

8 Q Let me ask you a few questions about your
9 report, you said in your report that the child was dropped
10 off at the grandmother's house by the mother a couple of
11 days ago; how did you receive that information?

12 A Through our intake unit, those were the
13 allegations. We have an intake unit where a intake hotline
14 where all of the calls for abuse and neglect come through.
15 Those are simply allegations at the time but then we're
16 assigned the case and we go out and investigate the
17 allegations.

18 Q So the information that the child had been
19 dropped off a couple of days ago was on the hotline?

20 A That's what was on the allegations, yes, on
21 the intake sheet.

22 Q Okay, did you ask Ms. Gorman for any type
23 of documentation to verify that the child was dropped off a
24 few days ago?

25 A I didn't, no.

1 Q Okay, I mean you're the investigator and
2 you get a report that the child was just brought here would
3 it be prudent to try to get a bus ticket or something?

4 A I asked her when, when was the mom there
5 and when did she leave, she said she arrived some time in
6 June, she could not remember the date, and she left on July
7 2nd.

8 Q Did you ask the same of Mr. Palmer?

9 A No, I did not.

10 Q So you had this information on the hotline
11 and then you verified it by asking the mother; is that
12 correct?

13 A The grandmother, yes.

14 Q Yes, the grandmother, all right?

15 A Yes.

16 Q Now your report says that the child had
17 fractured skull and blood on the brain?

18 A Fresh blood on the brain.

19 Q Yes, ma'am, where did you receive that
20 information?

21 A From Dr. Abel and from Ms. Major, the
22 social worker at the hospital.

23 Q Did you ask for any hospital records to try
24 to verify that claim?

25 A Not at the time because they were still

Ms. Brown - Cross Examination by Mr. Galmore

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1 doing further testing so it wasn't conclusive; this is for
2 the preliminary report.

3 Q Did you receive a report from the hospital,
4 a written report from the hospital?

5 A No, I did not.

6 Q Did you take any steps, and I know this
7 might sound a little ridiculous, but did you take any steps
8 to verify the claim that the child in fact had a fractured
9 skull?

10 A No, I did not because once law enforcement
11 was involved there were no other minor children in the home
12 I was advised by my supervisor for us to close our case and
13 let law enforcement go with the criminal portion.

14 Q Okay, would it be fair to say that that
15 information that the child had a fractured skull came from
16 a reputable source, the doctors?

17 A Yes, yes.

18 Q When you received information from that
19 type of source, the doctor or the hospital, not really
20 necessary to go back and independently verify that?

21 A It depends on the case.

22 Q Okay?

23 A Each case is different cause you're dealing
24 with humans and, of course, when there were, like I stated
25 before there are no other minor children in the home our

1 investigation then stops.

2 Q Yes, ma'am, your reports says that the
3 mother hadn't been in contact since she dropped the child
4 off; is that correct?

5 A That's according to Ms Gorman, yes.

6 Q Okay, did you have an opportunity to talk
7 with Ms. Carnaghie to try to verify that information?

8 A No, I did not.

9 Q You accepted what Ms. Gorman said and took
10 it at face value?

11 A That was during my interview with her; I
12 dictated what she informed me at the time.

13 Q Yes, ma'am, and you also say in your report
14 that the child was cranky and sleepy; is that information
15 that you got from Ms. Gorman also?

16 A Correct.

17 Q Were you able to verify that information?

18 A Like I stated before, sir, once I got the
19 information from Ms. Gorman on the initial interview when
20 there are no other minor children in the home we staff the
21 case with our supervisors and I was advised at that time to
22 close our case so our investigation stopped so, no, I
23 didn't get any other information.

24 Q Okay, did you visit the home out on Highway
25 129?

Ms. Brown - Cross Examination by Mr. Galmore

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1 A Yes, I did, I attempted anyway.

2 Q Would that have been after law enforcement
3 was involved?

4 A That was after law enforcement was
5 involved.

6 Q But before your case was closed?

7 A Correct.

8 Q Okay, now you said you spoke with Ms.
9 Gorman at the hospital down in Charleston; is that correct?

10 A Correct, sir.

11 Q And she told you that the child was cranky,
12 she told you that the child was underweight?

13 A Yes.

14 Q When, did you have an opportunity to look
15 at the child for yourself?

16 A I did, I did.

17 Q Did he appear underweight to you?

18 A He appeared small, yes.

19 Q Okay, she also told you that his head was
20 squishy?

21 A Yes.

22 Q Did you get an opportunity to, an
23 opportunity to examine Minor head at the hospital?

24 A I'm not a medical doctor, sir.

25 Q Okay.

Ms. Brown - Cross Examination by Mr. Galtmore

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1 A I don't examine heads.

2 Q Yes, ma'am, and it would be kind of
3 difficult because he had skull fractures?

4 A Correct.

5 Q Well did Ms. Gorman indicate to you that
6 she had taken the child to a family physician for that
7 condition?

8 A She did.

9 Q Did you talk to the family physician?

10 A No, I did not.

11 Q Would it be fair to say that Ms. Gorman
12 answered your questions?

13 A She did.

14 Q Did Ms. Gorman refuse to answer any of your
15 questions?

16 A She did not.

17 Q Could she have refused to answer your
18 questions?

19 A Of course, yes, she could have.

20 Q The pamphlet you gave her said she could?

21 A Right.

22 Q So while she's giving you this information
23 did she say I did it?

24 A No, she did not.

25 Mr. Galtmore: Thank you very much, Ms. Brown.

Ms. Brown - Cross Examination by Mr. Galmore

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1 A You're welcome.

2 Ms. Grabert-Lowenstein: No questions, Your
3 Honor.

4 The Court: Ms. Lively?

5 Ms. Lively: That's all for this witness, Your
6 Honor, if she may please be excused from her subpoena?

7 The Court: Mr. Galmore, do you have further
8 need for Ms. Brown?

9 Mr. Galmore: No, sir, Your Honor.

10 The Court: Ms. Grabert-Lowenstein?

11 Ms. Grabert-Lowenstein: No, Your Honor.

12 The Court: You're excused from your subpoena.

13 A Thank you.

14 The Court: Thank you, all right, it's time for
15 our morning break.

16 Ms. Lively: Your Honor, before you step down I
17 do have a matter I do want to approach for just a moment.

18 The Court: Okay, take the jury out.

19 Ms. Lively: Thank you.

20 (Whereupon, the jury retired to the jury room at
21 10:59 a.m.)

22 (Whereupon, a recess was taken by court personnel
23 and the following takes place on the record after the
24 recess.)

25 (Whereupon, State's Exhibits Numbers 64 and 65

Ms. Brown - Cross Examination by Mr. Galmore

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1 marked for identification.)

2 The Court: We had a Jackson v. Deno hearing on
3 these interviews, I believe, is that correct?

4 Ms. Lively: Yes, sir, Your Honor, we did.

5 The Court: And I want to make sure that I've
6 placed on the record my findings concerning that.

7 Ms. Lively: Yes, sir.

8 The Court: I did?

9 Ms. Lively: You did at that time was that you
10 found that they were voluntary and ---

11 The Court: I have considered these based upon
12 the age and education and physical aspects of both
13 defendants. I have considered the circumstances under
14 which they were taken such as where they were taken, the
15 length of the interrogation, the type of interrogation. I
16 find that both of these interviews or statements are
17 voluntary. I just wanted to make sure that was on the
18 record.

19 Ms. Lively: Yes, sir, and one thing so that
20 what the State has done I've mentioned it to the defense as
21 I actually had their statements transcribed cause at times
22 they're kind of muffled and there's crying and, you know, a
23 lot of emotion, so what I've done is I've prepared enough
24 copies. I'll give one to Your Honor, one to each of the
25 jury members while they're actually watching it, then I'll

Ms. Brown - Cross Examination by Mr. Galtmore

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1 collect them after the fact.

2 The Court: Any objection, Mr. Galtmore?

3 Mr. Galtmore: No, sir.

4 Ms. Grabert-Lowenstein: Your Honor, I have no
5 objection to that and would just inquire if counsel intends
6 to send a copy of each interview back in to the jury.

7 The Court: She says not.

8 Ms. Lively: I'm going to collect them back.

9 The Court: Just for their use as they listen.

10 Ms. Grabert-Lowenstein: And I have, I have no
11 problem with it, actually what I'm asking is because I
12 would be requesting that a copy of each one go back, I
13 wasn't sure.

14 Ms. Lively: That's fine, I mean I wasn't, I
15 know normally that defense doesn't necessarily want that.
16 It makes no difference ---

17 The Court: Mr. Galtmore, how about you?

18 Mr. Galtmore: I am opposed to a copy going back.
19 They will have the actual C.D. in evidence and the jury has
20 the option of asking for it to be played again or come out
21 here.

22 The Court: I think so and if they do I'll bring
23 them back and I'll redistribute the written copies and let
24 them look at it again.

25 Mr. Galtmore: Yes, sir.

Detective Troxell - Direct Examination by Ms. Lively 646

1 Ms. Grabert-Lowenstein: If they have a chance
2 to hear the tape again then I have no problem, thank you.

3 The Court: If they request it, okay.

4 Mr. Galmore: One more thing, Candice, did you -
5

6 Ms. Lively: Oh, yes, I'm sorry, and just so you
7 know, Your Honor, when we had this at first it was in two
8 disks but it was problematic because it started with the
9 defendant Palmer then it went to Gorman, then it cut off
10 then it went back to Gorman and then Palmer, so I asked
11 Horry County P.D. to put them in, everything with Gorman on
12 one disk, everything with Palmer on one so it will flow
13 better. I've mentioned that to the defense and they,
14 neither one of them indicate to me there was a problem with
15 that and those are the ones I've had Ms. Babb mark for
16 evidence.

17 Ms. Grabert-Lowenstein: No problem from the
18 defense for Ms. Palmer, Your Honor.

19 Mr. Galmore: Yes, we're fine with it, sir.

20 The Court: All right, thank you.

21 Ms. Lively: Thank you, Your Honor.

22 The Court: Now bring them in.

23 (Whereupon, the jury returns to the courtroom at
24 11:19 a.m.)

25 The Court: All right, the jury is back in the

Detective Troxell - Direct Examination by Ms. Lively 647

1 jury room, I mean in the courtroom. Are you ready to
2 proceed?

3 Ms. Lively: Yes, Your Honor, thank you, the
4 State would call Detective Tim Troxell to the stand.

5 Detective Timothy Troxell

6 being first duly sworn, testified as follows:

7 Madam Clerk: Please state your full name and
8 spell your last name for the Court?

9 The Witness: Tim Troxell, t-r-o-x-e-l-l.

10 Direct Examination

11 By Ms. Lively:

12 Q Detective Troxell, where are you currently
13 employed?

14 A With the Horry County Police Department.

15 Q And how long have you worked there?

16 A Nine years.

17 Q And what are duties there at Horry County
18 P.D.?

19 A Currently I'm a supervisor in our
20 investigations division assigned to our property crimes
21 unit.

22 Q Okay, and in regards to your position in
23 July of 2008, have they changed?

24 A Yes, ma'am, I was promoted in May of 2010.

25 Q Okay, and so in 2008 what was your position

Detective Troxell - Direct Examination by Ms. Lively 648

1 at Horry County P.D.?

2 A I was a detective within our violent crimes
3 division.

4 Q And in July of 2008 did you have an
5 opportunity to become involved with the investigation of a
6 minor child by the name of Minor

7 A Yes, ma'am, I did.

8 Q Okay, please tell the jury how you became
9 involved in this investigation?

10 A On the evening of July 14th, 2008,
11 Detective David Weaver was called out to Conway Medical
12 Center and assume the investigation on the morning of July
13 15th, I was tasked with assisting him on the investigation.

14 Q Okay, and what information were you
15 provided that gave you an idea of what the two of you would
16 be investigating?

17 A Detective Weaver provided me with the
18 preliminary findings from doctors at Conway Medical Center.
19 of the injuries that Minor sustained.

20 Q Okay, and based upon the information that
21 you had was it one of those situations where you're
22 required to follow up and investigate?

23 A Yes, ma'am.

24 Q Okay, what were the concerns?

25 A The severe trauma that Minor sustained

Detective Troxell - Direct Examination by Ms. Lively 649

1 to his head.

2 Q Okay, and where did you go on July 15th,
3 2008, as a part of your investigation?

4 A Detective Weaver and I traveled to the
5 Medical University of South Carolina in Charleston.

6 Q Okay, and while you were at the Medical
7 University of South Carolina on July 15th, 2008, who did
8 you speak with regarding this case?

9 A We spoke with Ms. Gorman and Mr. Palmer as
10 well as the attending medical staff at the hospital.

11 Q Did you speak with Dr. Abel?

12 A Dr. Abel and I believe Dr. Tecklenburg.

13 Q Okay, all right, and at that time what
14 information did you receive as to the, the condition of the
15 child?

16 A As far as which conversation are you
17 referring?

18 Q Okay, in regards to the conversation that
19 you had with the doctors, what was the condition of the
20 child?

21 A The child's condition was critical; he had
22 sustained some skull fracturing and bleeding on the brain.

23 Q Okay, and why do you receive this
24 information before you go and follow up with your
25 investigation and talking to caregivers?

Detective Troxell - Direct Examination by Ms. Lively 650

1 A That way we can know the basis of our
2 questions to ask whereas the location of the injuries how
3 were they inflicted and things of that nature.

4 Q Okay, and so, Detective Troxell, did you
5 speak to medical personnel first or did you speak with the
6 defendants first?

7 A If I recall we actually spoke with the
8 defendants first, this was my first involvement in the case
9 and I wanted to get the preliminaries from them as well and
10 then we spoke with medical staff.

11 Q Okay, and but at the time when you spoke
12 with them you are, did you know about the condition of his
13 skull and --

14 A Yes, Detective Weaver had obtained that
15 from Dr. Cacace at Conway Medical Center the previous
16 evening.

17 Q Okay, and when you spoke with the
18 defendants at MUSC tell the jury how that came about?

19 A Detective Weaver and I arrived at the
20 hospital and they were, I believe, in a NICU unit with Mr.
21 or Minor , and we asked to speak with them in one of
22 the consultation rooms.

23 Q Okay, and whenever you spoke to the two of
24 them were they separated or were they together in the room
25 with you?

Detective Troxell - Direct Examination by Ms. Lively 651

1 A They were together.

2 Q All right, and if you will tell this jury
3 at that time was the, was the interview a custodial
4 interview or were you gathering information, would you
5 explain to the jury what you were doing at that time?

6 A We were merely trying to gather the facts
7 to determine what could have happened to the child to where
8 he sustained these injuries.

9 Q Okay, so did you have any history at that
10 point other than the condition of the child?

11 A No, ma'am.

12 Q All right, so when you went into this
13 interview room with Palmer and Gorman what information were
14 you able to obtain regarding their care of the child?

15 A We were able to obtain that they were the
16 primary and sole caregivers for Minor

17 Q Okay, all right, and where were they
18 living; did they give you that information?

19 A They were living at [REDACTED] in the
20 Galivants Ferry section of Horry County.

21 Q All right, and were you given any
22 information as to why the child was in the care of Gorman
23 and Palmer?

24 A Ms. Palmer or Ms. Gorman's daughter had
25 come to the area, I believe, in June of 2008 and had left

Detective Troxell - Direct Examination by Ms. Lively 652

1 the area on July 2nd and left temporary guardianship to Mr.
2 Palmer and Ms. Gorman.

3 Q Okay, and did you do a follow up to confirm
4 that, that Cesalee had actually left in July?

5 A Yes, ma'am, I obtained the airline
6 itinerary from Delta Airlines for Ms., for Cesalee's plane
7 ticket.

8 Q Okay, all right, and --

9 Ms. Lively: If I may approach, Your Honor?

10 The Court: Certainly.

11 Ms. Lively: (Continuing)

12 Q I'm just going to ask you, this is already
13 in evidence, Cesalee's plane ticket?

14 A I believe I have a copy in the file.

15 Q You do have a copy?

16 A Yes, ma'am.

17 Q Okay, if you don't mind looking at your
18 copy, it is actually in evidence? I'm sorry, here's
19 State's 15 in evidence; is that what you're referring to?

20 A Yes, ma'am.

21 Q Okay, so once you received this information
22 at that point in time what does that do regarding your time
23 line of who you're looking at as caregivers of the child?

24 A It will narrow down the caregivers and
25 obviously removed Cesalee from being a caregiver.

Detective Troxell - Direct Examination by Ms. Lively 653

1 Q Okay, so as you're talking to Gorman and
2 Palmer at that time what other information were you able to
3 gather in that particular interview?

4 A We were trying to obtain their activities
5 over, from what the doctor had explained initially they
6 thought the injuries were sustained one to three days, so
7 we were trying to go back three days and get a time line
8 down of their activities and who was in care custody of the
9 child.

10 Q Okay, and based upon that information that
11 you received what conclusions were you able to arrive at
12 regarding who had care and custody of the child?

13 A Ms. Gorman and Mr. Palmer.

14 Q All right, did they ever place the child
15 alone with any other caregivers?

16 A Not in that weekend span, no, ma'am.

17 Q Okay, now, Detective Troxell, will you tell
18 us what, what particularly, what information was provided
19 to you about Minor as a child during that interview at
20 MUSC, if anything, the type of child he was or anything
21 like that?

22 A Nothing out of the ordinary was obtained.

23 Q Okay, were you given any type of
24 explanation or concerns of potential causes of injury that
25 they knew about?

Detective Troxell - Direct Examination by Ms. Lively 654

1 A The two explanations ---

2 Ms. Grabert-Lowenstein: Objection vague as to
3 source.

4 Q They being Palmer and Gorman when you were
5 interviewing them?

6 A Yes, ma'am.

7 Ms. Grabert-Lowenstein: Compound, Your Honor.

8 The Court: I'll allow it.

9 Ms. Lively: (Continuing)

10 Q Okay, as to, I'm sorry --

11 The Court: I'll allow it, go ahead and ask the
12 question.

13 Ms. Lively: Thank you, Your Honor.

14 Q (Continuing) As to Gorman and Palmer were
15 you provided any reasons why this child may have been
16 injured?

17 A The two explanations that we were provided
18 initially neither one of them knew anything, couldn't,
19 couldn't provide an explanation and ultimately it came down
20 to the bulldog potentially knocked him over or a stroller
21 falling down the stairs.

22 Q Okay, and once again were you interviewing
23 the two of them together?

24 A Yes, ma'am.

25 Q All right, did you record this interview by

Detective Troxell - Direct Examination by Ms. Lively 655

1 chance, Tim?

2 A I attempted to record it but I had a new
3 camcorder the county had just issued us and it was
4 malfunctioning and it did not record..

5 Q Okay, in regards to what was told to you
6 for potential injuries to Minor did they give you a time
7 line was to when those things had occurred?

8 A The initial findings from the doctors at
9 Conway Medical Center and preliminary from MUSC was one to
10 three days, of course all their testing wasn't completed at
11 that time but that was the time frame we were given.

12 Q Okay, what about the time frame that was
13 given from Gorman and/or Palmer during that interview as to
14 when the bulldog incident and the stroller occurred?

15 A The stroller occurred prior to July 2nd
16 when Cesalee was in town; the bulldog I don't recall if
17 there was a date given for that.

18 Q Okay, all right, did they ever tell you he
19 had been hospitalized or cared for while they had him in
20 their care?

21 A I believe there was a prior hospital visit
22 maybe a week before at Conway Medical Center.

23 Q Now, Detective Troxell, after you spoke to
24 the two of them that day on the 15th did you do any other
25 investigative work in this case during that day?

Detective Troxell - Direct Examination by Ms. Lively 656

1 A Yes, ma'am, I believe on the 16th Detective
2 Weaver and I went to their residence on Highway 129.

3 Q Okay, so this was the next day?

4 A Yes, ma'am.

5 Q And how did you know to go to their
6 residence on the 16th?

7 A Based on the information that we got from
8 medical personnel this did not appear to be accidental so
9 Detective Weaver and I wanted to go, I guess look at the
10 crime scene on the residence where Minor lived.

11 Q Okay, and when you got there on the 16th
12 about what time of day was it, do you recall?

13 A It was in the afternoon, if I'm not
14 mistaken.

15 Q And at that time, and let me just back up
16 for a second, while you were there on the 15th did you ever
17 come into contact with the biological mother or biological
18 father of Minor

19 A No, ma'am, I, until this week I had not met
20 the biological parents.

21 Q Okay, whenever you, how did you know when
22 you went on the 16th that you were going to be able to gain
23 entry to the home?

24 A We didn't.

25 Q Okay, did you have a search warrant?

Detective Troxell - Direct Examination by Ms. Lively 657

1 A No, ma'am.

2 Q So tell the jury then when you got to the
3 home on the 16th how you were able to gain entrance?

4 A We met with Mr. Palmer and Ms. Gorman
5 outside the residence and they provided us with a consent
6 to search form for their residence.

7 Q So, so both of them were at the home?

8 A Yes, ma'am.

9 Q And this was July 16th?

10 A Yes, ma'am.

11 Q Okay, and at that time was Minor still
12 alive or not?

13 A Yes, ma'am, he was.

14 Q Did you have any information that that
15 condition was going to change at any time soon?

16 A Based on our conversations with medical
17 staff on the 15th we were informed that he was on life
18 support, that in essence he was brain dead and that would
19 be, the prognosis for him making a recovery was minimal.

20 Q Okay, at that time what, based upon that
21 information in your mind as a detective what did you
22 believe this investigation was leading you to?

23 A When the time came this was coming to be a
24 homicide.

25 Ms. Grabert-Lowenstein: Objection, relevance,

Detective Troxell - Direct Examination by Ms. Lively 658

1 it's his belief.

2 Ms. Lively: Based upon the medical information.

3 The Court: I'll allow it.

4 Q Okay, just based on the medical information
5 that you had to know what it was that you were going to
6 potentially be looking for what did you think this case was
7 going to be?

8 A Based on the information provided to us by
9 the doctors that Minor was on life support the injuries
10 appeared non accidental it appeared these were inflicted
11 severe injuries that would lead us to a homicide
12 investigation.

13 Q Okay, based upon that information so you
14 had that information as a detective before you walked into
15 that home?

16 A Yes, ma'am, we did.

17 Q All right, now whenever you went into that
18 home, Detective Troxell, were you prepared with a camera,
19 other devices, to help you to document what you were
20 seeing?

21 A Yes, ma'am, we had a digital camera for
22 still photographs.

23 Q Okay, and were photographs taken of the
24 home at that time?

25 A Yes, ma'am, they were.

Detective Troxell - Direct Examination by Ms. Lively 659

1 Q Okay, and those photographs did you save
2 them into evidence and provide them to me for this case?

3 A Yes, ma'am, they were.

4 Q Okay --

5 Ms. Lively: Your Honor, may I approach the
6 witness?

7 The Court: Yes.

8 Ms. Lively: Thank you.

9 Q I'm going to show you what's been marked
10 for I.D. purposes State's 17 through 34, which actually
11 removes one of the pictures that had been previously marked
12 for State's I.D. but now is in evidence as Defense 1, I'm
13 going to let you hold that one that's already in, but if
14 you would, please, State's Exhibit 17 through 34 ask if you
15 recognize these photos and are these the photos that were
16 taken in your presence?

17 A Yes, ma'am, they are.

18 Q Okay, and are those an accurate
19 representation of the photos that you took on that date?

20 A Yes, ma'am.

21 Ms. Lively: Your Honor, at this time the State
22 would move to introduce 17 through 34 into evidence?

23 Ms. Grabert-Lowenstein: And if I could briefly
24 see?

25 Ms. Lively: Sure.

Detective Troxell - Direct (Examination by Ms. Lively 660

1 Ms. Grabert-Lowenstein: No objection on behalf
2 of Mr. Palmer, Your Honor.

3 The Court: All right.

4 Mr. Galmore: No objection.

5 The Court: Without objection, they're admitted.

6 Ms. Lively: Okay.

7 (Whereupon, State's Exhibits Numbers 17, 18, 19,
8 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34
9 entered into evidence.)

10 Ms. Lively: (Continuing)

11 Q Now, Detective, Troxell, I'm going to hand
12 you these and I'm going to ask you about individual photos;
13 in State's Exhibit number 17 is that you standing in that
14 photo?

15 A Yes, ma'am

16 Q Okay, what was the purpose of you taking a
17 tape measure in State's Exhibit Number 17?

18 A We were trying to ascertain the height from
19 the top rail of the playpen where Minor slept to the floor
20 in the trailer.

21 Q And once again who was in the home with you
22 other than Weaver when you were taking these photos?

23 A Ms. Gorman and Mr. Palmer.

24 Q Who was providing you information regarding
25 where Minor slept?

Detective Troxell - Direct Examination by Ms. Lively 661

1 A Both of them.

2 Q And about how high was the top of this
3 playpen. I know it's hard to see but maybe if you recall
4 when you measured it?

5 A It appears to be your standing playpen I'm
6 assuming maybe thirty inches, I can't read the ruler that
7 well.

8 Q Okay, it seems to come up to about your
9 lower thigh; is that fair to say?

10 A Yes, ma'am.

11 Q Will you stand up for us? All right, just
12 walk around here, so it comes up to about your lower thigh
13 so about there, okay, all right, thank you. Now I'm going
14 to ask you about State's 18?

15 A That would be the bulldog in the home in
16 his pen or crate.

17 Q In his crate, okay, did Gorman and/or
18 Palmer tell you this was the bulldog they were referring to
19 when they told you about Minor

20 A Yes, ma'am.

21 Q Okay, so is that why you took this picture?

22 A Yes, ma'am.

23 Q Okay, was he aggressive towards you when
24 you went to the house?

25 A No, ma'am.

Detective Troxell - Direct Examination by Ms. Lively 662

1 Q Okay, I'm going to show you State's 19, 23,
2 now one of the other things that was told you, I believe
3 you've already testified to, was that a stroller and a set
4 of stairs came into play at some point?

5 A Yes, ma'am.

6 Q Okay, I'm going to show you 19 and 23 and
7 ask you if you recognize why you took those particular
8 photos, and here I'm going to hand you 34 as well?

9 A To document again the height from the
10 stairs to the ground had Minor fallen from that height to
11 the ground.

12 Q Okay, and actually, Detective Troxell, it
13 appears you took several photos of those stairs?

14 A Yes, ma'am, I believe we actually ended,
15 ended up taking a photograph of each individual step to the
16 ground.

17 Q Okay, do you remember what the highest
18 level of the stairs were that you, that you looked at?

19 A If I may?

20 Q That's fine, just tell which exhibit it is
21 that shows it from the top from the highest step, please?

22 A That would be, that would be State's 33.

23 Q Okay?

24 A And I can't make out the measurement.

25 Q Okay.

Detective Troxell - Direct Examination by Ms. Lively 663

1 A But again it comes to just above my thigh.

2 Q Just above your thigh again, okay, and in
3 State's Exhibit Number 22, why did you take a picture of
4 that particular item?

5 A To document the stroller that was in the
6 acertation of falling down the stairs.

7 Q Okay, so you were provided information that
8 this was the stroller?

9 A Yes, ma'am.

10 Q Okay, and once again why are you
11 documenting all these things?

12 A Again to either prove or disprove if these
13 injuries were accidental or intentionally inflicted.

14 Q Okay, and once again the information you
15 had regarding the statement that there was a fall down the
16 stairs occurred when?

17 A Prior to July 2nd.

18 Q Okay, and I see that we, now did Ms. Gorman
19 or Palmer tell you which set of stairs it was that, that
20 this occurred on?

21 A I believe so because they were the front
22 stairs.

23 Q The front stairs, okay, why did you take a
24 picture of the back stairs?

25 A Just in case it may have been the back

Detective Troxell - Direct Examination by Ms. Lively 664

1 stairs to fully document everything.

2 Q Okay, and once again that would be in 20
3 and 21?

4 A Yes, ma'am.

5 Q Okay, so you took that as well just in
6 case?

7 A Yes, ma'am.

8 Q All right, now, Detective Troxell, will
9 you, please, tell us about how big of a home this was?

10 A It's your standard single wide mobile home,
11 metal or tin, two bedroom, one bath, I believe.

12 Q Okay, and I'm going to show you State's 24
13 and ask you what is that depicting, what room is that?

14 A That would be the first bedroom where we
15 were told Cesalee and Minor were staying.

16 Q Okay, and would that be 27 as well?

17 A Yes, ma'am.

18 Q Okay, and I see that you actually used the
19 tape measure to measure the height of that bed that was
20 next to his playpen, correct?

21 A Yes, ma'am.

22 Q Okay, and why was it so important for you
23 to measure height of different objects in the home?

24 A Again based on the medical information the
25 doctors indicated to us the only way that these injuries

Detective Troxell - Direct Examination by Ms. Lively 665

1 could have been sustained would be either a motor vehicle
2 accident or a fall from a great height so we were trying to
3 document the items in the home that Minor could have had
4 access to and had he fallen would that height have been
5 great enough to inflict these injuries.

6 Q And I'm going to show you 31 and ask you
7 where that picture was taken?

8 A That's the rear bedroom or the master
9 bedroom of the home.

10 Q Okay, all right, and once again that's you
11 with the tape measure, correct?

12 A Yes, ma'am.

13 Q Okay, were you ever provided any
14 information from either Gorman or Palmer that the child had
15 ever slept on that bed?

16 A No, ma'am.

17 Q Okay, but you measured it anyway?

18 A Just to be sure.

19 Q Okay, and here's another picture of the
20 dog?

21 A Yes, ma'am.

22 Q Okay, all right, and what area of the house
23 is that?

24 A That would be living room area.

25 Q The living room area, okay, all right, now

Detective Troxell - Direct Examination by Ms. Lively 666

1 tell the jury why you took pictures of the items that are
2 in 25 and 32?

3 A We had been told that Minor had been under
4 the care of a doctor, Aynor Family Medicine, and we
5 inquired as to was he under any, any medicine and these
6 were the medicines that we were told had been provided to
7 him.

8 Q Okay, and will you tell the jury what
9 medicines that you see if you can tell from those pictures?

10 A There's baby Tylenol and it appears to be
11 baby ibuprofen, ora-jel and some prescription cream, I'm
12 not sure what kind of cream that is.

13 Q Okay, that's fine, did you ever come into
14 contact with a prescription by the name of Xyzal; does that
15 sound familiar?

16 A No, ma'am, I have not had that before.

17 Q Okay, that's fine, and once again why do
18 you take photos of any prescriptions or medicines of a
19 child?

20 A It was to document that he had been under
21 the care of a doctor and in case given the information we
22 had that this would be a homicide any other medicine that
23 shown up in the toxicology and the autopsy.

24 Q Okay, and then finally, Detective Troxell,
25 what is this a photo of?

Detective Troxell - Direct Examination by Ms. Lively 667

1 A That would be a photo from the Highway 129
2 looking back at the residence.

3 Q So is this a pretty good indication of the
4 outside size of the mobile home?

5 A Yes, ma'am.

6 Q Okay, and have you looked at the diagrams
7 that's in evidence which has their home to scale?

8 A Yes, ma'am, I have.

9 Q All right, oh, and let me just ask you,
10 what's in Defense Exhibit Number 1?

11 A A trampoline.

12 Q Why did you take a picture of the
13 trampoline?

14 A Detective Weaver took that picture, I asked
15 him this morning and he didn't know.

16 Q Okay, fair enough, all right, but, but this
17 was on the property?

18 A Yes, ma'am, it was on the rear of the
19 house.

20 Q Okay, all right, thank you, okay, now as
21 far as the home, okay, and will you, please, if you don't
22 mind stepping down, I'm going to have you right here in
23 front of the microphone, okay, okay, now if you will tell
24 the jury where ^{Minor} bedroom is in this, in this scale?

25 A It's marked bedroom number two.

Detective Troxell - Direct Examination by Ms. Lively 668

1 Q Okay, and, and so would this be Julia and
2 Robert's bedroom?

3 A Yes, the master bedroom at the rear of the
4 home.

5 Q Okay, and let me ask you because how much
6 time did ya'll spend in the home that day; do you remember?

7 A If I recall it was forty five minutes to an
8 hour, not very long.

9 Q Okay, when you were walking throughout the
10 home did you notice anything about how, you know, the walls
11 or the doors or anything regarding the home?

12 A The doors were hollow, you could hear, if
13 Weaver was back here and I was at the living room we could
14 hear each other.

15 Q Okay, all right, and in regards to the, the
16 master bedroom and bedroom number two, did ya'll find any
17 type of indication anything like holes or any damage to
18 those particular rooms?

19 A No, ma'am.

20 Q If you had would you have noted that?

21 A Yes, ma'am.

22 Q Okay, did you look for it?

23 A Yes.

24 Q Okay, all right, and were you able to
25 locate any type of potential places of impact?

Detective Troxell - Direct Examination by Ms. Lively 669

1 A No, ma'am.

2 Q All right, okay, but did you look for it?

3 A Yes.

4 Q All right, and once again who let you into
5 the home that day?

6 A Ms. Gorman and Mr. Palmer.

7 Q Okay, and how long had Minor been away
8 from the home by that time, when was he taken to the E.R.?

9 A He was taken to the emergency room on the
10 evening of the 14th and this was on the afternoon of the
11 16th so maybe two days.

12 Q Was the house clean?

13 A Yes, it was.

14 Q All right, was it organized?

15 A Yes.

16 Q Was Minor room clean?

17 A Yes.

18 Q Have a seat, and if you don't mind just for
19 demonstrative purposes for the jury's benefit, I'm going to
20 have you hold this, will you tell me by looking at this,
21 and it's at the end of this scale, what was the width of
22 this home?

23 A Thirteen feet nine inches.

24 Q All right, let me see here, will you hold
25 this for me, thirteen point nine?

Detective Troxell - Direct Examination by Ms. Lively 670

1 A Yes, ma'am.

2 Q Was the width of the home?

3 A Yes, ma'am.

4 Q Was the, was there a need for you to try
5 and do any type of fingerprinting or DNA analysis in this
6 particular case?

7 A No, ma'am, in a standard criminal
8 investigation DNA and fingerprints are used for
9 identification purposes. In this particular case we knew
10 who the residents of the home were, Minor Mr. Palmer, and
11 Ms. Gorman, so there was no need to gather that kind of
12 evidence.

13 Q Now when was the next time that you had any
14 contact or let me ask you this, when you left that day did
15 you do anything else additional regarding the investigation
16 on the 16th?

17 A No, ma'am.

18 Q Okay, what was the next thing that you did
19 in furtherance of the investigation into Minor
20 condition?

21 A On the morning of the 18th Detective Weaver
22 and I again met with Ms. Gorman and Mr. Palmer outside the
23 residence and requested they come to the Horry County
24 Police Department for an actual videotape interview.

25 Q Okay, and did they agree?

Detective Troxell - Direct Examination by Ms. Lively 671

1 A Yes, ma'am.

2 Q Okay, so they came willingly?

3 A Yes, ma'am.

4 Q Okay, and at that time what, what had
5 happened to Minor by then?

6 A He had passed away.

7 Q So on the, on July 18th of 2008 were you
8 involved in the interview of Julia Gorman and Robert
9 Palmer?

10 A Yes, I was.

11 Q Okay, were you present for those
12 interviews?

13 A Yes, I was.

14 Q And during the interviews, Detective
15 Troxell, did you do anything to ensure that the defendants
16 would understand why they were there and the potential
17 statements they were giving?

18 A Yes.

19 Q And what was that?

20 A Are you referring to the being advised of
21 the Miranda rights?

22 Q Absolutely?

23 A Yes, ma'am, both defendants were advised of
24 their Miranda warnings.

25 Q Okay, and when you advised them of their

Detective Troxell - Direct Examination by Ms. Lively 672

1 Miranda warnings did they waive those warnings and agree to
2 speak with you at that time?

3 A Yes, ma'am, both did.

4 Q Okay, do you mind retrieving your Miranda
5 warnings for the benefit of --

6 A I believe they're still in evidence from
7 the Jackson v. Deno hearing, I never received them back.

8 Q Okay, all right --

9 Ms. Lively: Your Honor, may I approach?

10 The Court: Certainly.

11 (Whereupon, a bench conference was held off the
12 record in the presence of the jury, but out of the hearing
13 of the jury and the court reporter.)

14 Ms. Lively: (Continuing)

15 Q Whenever you, after you gave them Miranda
16 warnings and they waived them, who did you interview first?

17 A Mr. Palmer.

18 Q Okay, and whenever you interviewed Mr.
19 Palmer at that time did you, did he appear to be under the
20 influence of any alcohol or drugs?

21 A No, ma'am.

22 Q Was he, did he appear to be incoherent or
23 not understand your statements?

24 A No, ma'am.

25 Q All right, and based upon how he appeared

Detective Troxell - Direct Examination by Ms. Lively 673

1 to you did you go forward with the interview and record it?

2 A Yes, we did.

3 Q Okay, all right, let me show you what's
4 already been marked as State's Exhibit Number 64 and ask
5 you if you've looked at this before and you're familiar
6 with it?

7 A Yes, this would be the DVDR containing the
8 interview with Mr. Palmer.

9 Q Okay, thank you --

10 Ms. Lively: Your Honor, at this the State moves
11 State's Exhibit 64 into evidence.

12 Ms. Grabert-Lowenstein: Your Honor, we have
13 seen this, no objection on behalf of Mr. Palmer.

14 Mr. Galmore: Sixty-four is the interview with
15 Mr. Palmer?

16 Ms. Lively: Correct.

17 Mr. Galmore: No objection.

18 Ms. Lively: Thank you.

19 (Whereupon, State's Exhibit Number 64 entered
20 into evidence.)

21 Ms. Lively: (Continuing)

22 Q And same questions basically, Detective
23 Troxell, in regards to Ms. Gorman, did she appear to be
24 under the influence of any alcohol or drugs?

25 A No, ma'am.

Detective Troxell - Direct Examination by Ms. Lively 674

1 Q Was she, did she appear coherent and ready
2 to answer your questions?

3 A Yes, she was.

4 Q Okay, and once again you already said she
5 did sign the Miranda form regarding the waiver?

6 A She did.

7 Q Okay, and let me show you what's been
8 marked as State's Exhibit Number 65, and ask you is this
9 what you have reviewed and seen as her interview from July
10 the 18th?

11 A Yes, it's the DVDR containing the interview
12 with Ms. Gorman.

13 Ms. Lively: Okay, Your Honor, the State would
14 move to introduce State's 65 into evidence at this time?

15 The Court: Can I see counsel?

16 Ms. Lively: Yes, sir.

17 (Whereupon, a bench conference was held off the
18 record in the presence of the jury, but out of the hearing
19 of the jury and the court reporter.)

20 Ms. Lively: And as for State's Exhibit Number
21 65, Your Honor, that's been marked for I.D.?

22 Mr. Galmore: We had previously placed our
23 objection but subject to that.

24 The Court: All right.

25 Ms. Grabert-Lowenstein: No objection on behalf

Detective Troxell - Direct Examination by Ms. Lively 675
1 of Mr. Palmer.

2 The Court: Okay, all right.

3 Ms. Lively: Okay, thank you.

4 (Whereupon, State's Exhibit Number 65 entered
5 into evidence.)

6 Ms. Lively: (Continuing)

7 Q Now, Detective Troxell, before I publish
8 these to the jury let me ask you something, whenever you
9 went to interview Ms. Gorman did you notice anything that
10 she may have brought with her?

11 A She had a notebook in her possession.

12 Q Okay, and what was that notebook?

13 A I believe if I recall correctly it was a
14 journal that she maintained of Cesalee's teenage years and
15 some issues that she was having with him or with her that
16 she was documenting.

17 Q Okay, and did you ask her to bring that
18 with her?

19 A No, ma'am.

20 Q And whenever you, and it shows on the
21 interview, but let me ask you, whenever the, when you saw
22 the notebook did you seize it or take it from her?

23 A No.

24 Q Okay, why not?

25 A Again based on the, the evidence that we

Detective Troxell - Direct Examination by Ms. Lively 676

1 had from the medical professionals that this was a fresh
2 injury and having information from Delta Airlines that
3 Cesalee was not here it was irrelevant to us.

4 Q Okay, all right, so when she brought it to
5 your attention that she had this information what did you
6 do with it?

7 A To be frank we discarded it. It didn't
8 matter to us, Cesalee wasn't here, therefore, and based on
9 the medical evidence couldn't have inflicted the injuries.

10 Q Oh, let me back up for just a second before
11 we publish these, did you receive any information from
12 either Julia or Robert that, that Julia had gone anywhere
13 other than work and home that day of July 14th?

14 A No.

15 Q Okay, did you receive information from me
16 later on that there was a possibility she had stopped off
17 somewhere before she went home?

18 A Yes.

19 Q Okay, and where was that?

20 A The IGA grocery store in Aynor.

21 Q Okay, and what did I ask you to do in
22 regards to the possibility that she had stopped by there on
23 the way home?

24 A I was requested to get the distance to
25 drive the distance and get a approximate time that it would

Detective Troxell - Direct Examination by Ms. Lively 677

1 take to travel from the IGA to their residence?

2 A Okay, and will you tell this jury how far
3 the IGA is from that home they lived in?

4 A The IGA is one point eight miles from their
5 residence.

6 Q Okay, and how long driving the speed limit
7 did it take you to get to their home from the IGA?

8 A It took me three minutes and forty seconds.

9 Ms. Lively: Wait just one minute, okay? Your
10 Honor, at this time the State is prepared to publish the
11 interviews of the, oh, wait, no, I'm not, I forgot, one
12 thing that I have right here that I need to address, I
13 apologize.

14 Q (Continuing) Let me show you what's been
15 marked as State's 63, I'm sorry, I forgot to ask you about
16 this, Detective Troxell. Did you obtain information to
17 confirm the whereabouts of Ms. Gorman during those days
18 before Minor went to the E.R.?

19 A Yes, she informed us that she was at work
20 at the Bass Pro Shops.

21 Q Okay, and did you get documentation from
22 Bass Pro Shop as to the times that she would clock in and
23 clock out each day?

24 A Yes, ma'am.

25 Q Okay, and is that what's related to State's

Detective Troxell - Direct Examination by Ms. Lively 678

1 Exhibit Number 63?

2 A Yes, this is the actual punch detail
3 history from Bass Pro Shops.

4 Ms. Lively: Your Honor, we'd move to introduce
5 this as State's Exhibit 63 at this time.

6 The Court: Mr. Galmore?

7 Mr. Galmore: I need to see it for a second, may
8 I obtain it from the witness, Your Honor?

9 The Court: Yes.

10 Mr. Galmore: No objection, Your Honor.

11 The Court: Ms. Grabert-Lowenstein?

12 Ms. Grabert-Lowenstein: Your Honor, objection
13 as Detective Troxell is not a custodian of records and we
14 don't know about the validity of the record.

15 The Court: She objects, I guess that's a
16 hearsay objection.

17 Ms. Grabert-Lowenstein: Hearsay.

18 Ms. Lively: Well, Your Honor, at this time I
19 can ask for a person's name for a better foundation for
20 this particular, cause he's obviously not the custodian
21 from Bass Pro Shop.

22 The Court: I understand so I don't think it
23 comes in.

24 Ms. Lively: Okay, that's fine. All right, Your
25 Honor, now the State is prepared to, to publish their

Detective Troxell - Direct Examination by Ms. Lively 679

1 statements and as I stated before we brought the jury back
2 in, Your Honor, my office has actually had these statements
3 transcribed and we've discussed this with defense and they
4 do not object to me providing to the jurors a copy of each
5 one of the recorded statements for help and during times
6 when they cannot understand or hear what is being said
7 during the interviews.

8 The Court: All right.

9 Ms. Lively: If I may distribute them at this
10 time?

11 The Court: Yes, you may.

12 Ms. Lively: If I could have Ms. Cote assist me?

13 The Court: Could I see the last proffered
14 document?

15 Ms. Lively: Your Honor, if I may approach I'm
16 going to provide you with copies as well.

17 The Court: Ladies and gentlemen of the jury,
18 sometimes it may be difficult to hear what's being said on
19 the videotape. In that regard the Solicitor has prepared
20 transcripts of this particular tape. You may not even need
21 it, you may be able to hear it just fine, but it's provided
22 for you just in case you wanted to flip along or you maybe
23 didn't hear something you could refer back to it or look at
24 it and see what was said, okay.

25 Ms. Lively: Are we ready, Your Honor?

Detective Troxell - Direct Examination by Ms. Lively 680

1 The Court: Yes.

2 Ms. Lively: Thank you.

3 The Court: And I would remind you that those
4 transcripts are not the evidence, the evidence is what is
5 here on the screen.

6 (Whereupon, State's Exhibit Number 64 is played
7 in open court.)

8 Detective Troxell: How you doing with
9 everything?

10 Mr. Palmer: Not good.

11 Detective Troxell: How's Julia holding up?

12 Mr. Palmer: Not good, like I said we tried to
13 lay down last night and just tossed and turned, tossed and
14 turned. It seemed like the later it got the more I went to
15 sleep. I ended up, got out of bed and went around to the
16 other side of the bed cause she had got on, you know, just
17 tossed and turned and just ridiculous.

18 Detective Troxell: Have you talked to or has
19 she talked to Cesalee?

20 Mr. Palmer: Yes, she was up here yesterday when
21 she got there I guess, you know, everything was kosher.
22 Everybody was just, you know, in a state of shock. She
23 stayed around, picked her Mama up from the bus, bus
24 station, but she was, she didn't sleep once again the whole
25 night and she came home yesterday and she's just like

Detective Troxell - Direct Examination by Ms. Lively 681

1 entirely whipped cause she didn't get back till about 7:30,
2 8:00 last night, back to South Carolina from Conway. She
3 went up there after we talked to ya'll the last time and
4 come out and took pictures, and she went up there and I
5 guess maybe slept maybe thirty or forty minutes the whole
6 time, so.

7 Detective Troxell: I can imagine that's a
8 helluva weight to bear, especially, I mean, you've only
9 known him a couple of weeks, but --

10 Mr. Palmer: Yeah.

11 Detective Troxell: It's still a little baby.

12 Mr. Palmer: Yeah, you're exactly right.

13 Detective Troxell: What we need to do is kind
14 of like I said when we talked to you in the hospital my
15 tape recorder died.

16 Mr. Palmer: Okay.

17 Detective Troxell: And we kind of need to go
18 back over and ---

19 Mr. Palmer: Okay.

20 Detective Troxell: --- some of the things that
21 happened and I know with the way things have been going
22 we'll start say when the baby went in the hospital and just
23 kind of go backwards as ---

24 Mr. Palmer: Which time do you want me to talk?

25 Detective Troxell: The most recent.

Detective Troxell - Direct Examination by Ms. Lively 682

1 Mr. Palmer: The most recent when we went in
2 Monday?

3 Detective Troxell: Yeah, when you went in
4 Monday and go backwards, but being that Minor has passed
5 away, or whatever, and this investigation has taken more of
6 a serious note instead of just trying to get information
7 we've got to advise everybody that we talk to from this
8 point forward of their Miranda rights. It doesn't mean
9 you're under arrest or anything like that; it's just before
10 we talk we've got to advise everybody of these, okay.

11 Richard, what is your highest level of education?

12 Mr. Palmer: Robert.

13 Detective Troxell: I'm sorry, Robert, Minor
14 is the victim.

15 Mr. Palmer: Yes.

16 Detective Troxell: Robert, what is your highest
17 level of education?

18 Mr. Palmer: Twelfth grade, I graduated high
19 school.

20 Detective Troxell: You under the influence of
21 any narcotics right now?

22 Mr. Palmer: No.

23 Detective Troxell: Alcohol?

24 Mr. Palmer: I had a couple last night.

25 Detective Troxell: You fine to drive?

Detective Troxell - Direct Examination by Ms. Lively 683

1 Mr. Palmer: Yeah.

2 Detective Troxell: Not got any, you got your
3 mental capacity?

4 Mr. Palmer: Say it again?

5 Detective Troxell: You've got your mental
6 capacity; you know what we're talking about?

7 Mr. Palmer: Yeah, yeah.

8 Detective Troxell: How about narcotics or
9 pills?

10 Mr. Palmer: None.

11 Detective Troxell: Okay, I'm going to read
12 these to you and what I want you to do is just after I read
13 these I want you to put your initials on those lines
14 indicating that you understand those, okay?

15 You have the right to remain silent. Anything
16 you say can and will be used against you in a court of law;
17 you understand that?

18 Mr. Palmer: Yes.

19 Detective Troxell: Put your initials there.
20 You have the right to talk with a lawyer and have him
21 present while you are being questioned; you understand
22 that?

23 Mr. Palmer: Okay.

24 Detective Troxell: Initial there. If you
25 cannot afford to hire an attorney one will be appointed to

Detective Troxell - Direct Examination by Ms. Lively 684

1 represent you before any questioning if you so desire; if
2 you understand that put your initials there.

3 And if you make a statement or answer any
4 questions you have the right to stop me at any time; do you
5 understand that, put your initials there. You understand
6 everything that I have read to you?

7 Mr. Palmer: Yes.

8 Detective Troxell: Okay, put your initials
9 there. You want to talk to me about what happened to
10 Minor and answer our questions?

11 Mr. Palmer: Yeah.

12 Detective Troxell: Okay, put your initials
13 there and sign. It's 9:07 on the 18th, just put 9:07 or 7-
14 18-08 and then 9:07 there.

15 Mr. Palmer: What was that again, 9:07?

16 Detective Troxell: Yeah, 9:07 is the time on 7-
17 18.

18 Mr. Palmer: 9:07 on 7-18.

19 Detective Troxell: Yeah, all right, like I said
20 I just kinda want to start Monday, what time did you go to
21 the hospital on Monday?

22 Mr. Palmer: Monday evening?

23 Detective Troxell: Yeah?

24 Mr. Palmer: Probably around six, 6:15,
25 somewhere around that time frame. Like I said the

Detective Troxell - Direct Examination by Ms. Lively 685

1 paramedics showed up at our house, I had like I said they
2 showed up at the house, took Minor It seemed like they
3 took the scenic route; they went around and this and that
4 but ended up at Conway Hospital. I met them up there at
5 Conway Hospital; they took him in around six, 6:15 around
6 that time.

7 Detective Troxell: Julia was working on Monday
8 night?

9 Mr. Palmer: Yes.

10 Detective Troxell: What time does she go in?

11 Mr. Palmer: I want to say, she had to be there
12 about six, so she got up around like 4:45 in the morning.

13 Detective Troxell: Did she check on Minor that
14 morning?

15 Mr. Palmer: I don't know.

16 Detective Troxell: You don't?

17 Mr. Palmer: I don't recollect.

18 Detective Troxell: All right, so she got up at
19 4:45, what time did you get up?

20 Mr. Palmer: About that time cause she is real
21 loud when she wakes up.

22 Detective Troxell: When did you first check on
23 Minor

24 Mr. Palmer: I went in there at 9:30 and woke
25 him up.

Detective Troxell - Direct Examination by Ms. Lively 686

1 Detective Troxell: Okay, and what was he doing
2 when you --

3 Detective Troxell: He didn't want to get up.
4 He was just laying there and was, you know, just like
5 tired, like he had never slept but, you know, I picked him
6 up and took him to the kitchen, got him something to eat,
7 and tried to play with him for a little while, but he just
8 wanted to lay down so I was let's play with your toys and
9 he'd act like he wanted to lay down again so I put him on
10 the couch, let him lay up there and watch t.v. and he was
11 just like, you know, tossing and turning..

12 Detective Troxell: Okay, did you feed him lunch
13 or anything?

14 Mr. Palmer: Yeah, I fed him lunch.

15 Detective Troxell: About what time was that?

16 Mr. Palmer: I want to say about 11:30 or 12,
17 somewhere around that time frame. I tried to get him to
18 eat some stuff. He ate a little bit of chicken, a little
19 bit of this and that but, you know, he just seemed like he
20 was tired so I was going to lay him down, laid him down.
21 He just, just tossed and turned, whined out a couple of
22 times..

23 Detective Troxell: What time did you lay him
24 down?

25 Mr. Palmer: I laid him down, made him stay in

Detective Troxell - Direct Examination by Ms. Lively 687

1 there for about, you know, thirty, thirty something minutes
2 to see if he would go to sleep but he just kept whining,
3 whined a little bit, just not like whining, it was like a
4 whimper. It was like kind of, like if you met him and seen
5 him he would just hold his hands out, whine, whine like,
6 you know, come pick me up, come pick me up, so I let him
7 lay there for a while. I picked him back up, took him back
8 in the living room, tried to get him to play with some more
9 toys and tried to get him to, you know, watch t.v. and just
10 stay awake, and just try to, you know, work itself out of
11 whatever it is that he was doing but just, you know, it
12 seemed like it was not going to stop, the whining and just
13 tried acting so around like three, 3:30 I put him back
14 down, laid him down and he went to sleep that time and like
15 I said Julie came home around four, 4:15 around that time
16 frame. She came in, she said, where's he at, I said, he's
17 laying down, taking a nap. I said, you want to check on
18 him, we walked in, both of us walked in to the edge, edge
19 of the door.

20 Detective Troxell: And that's the room that we
21 went into?

22 Mr. Palmer: Yes, sir, yes, peeked in and like
23 that and he was just asleep.

24 Detective Troxell: Okay, that was about four,
25 4:15?

Detective Troxell - Direct Examination by Ms. Lively 688

1 Mr. Palmer: Around that time frame.

2 Detective Troxell: And what did you and Julie
3 do after that?

4 Mr. Palmer: After that we went outside, I mean,
5 went, went out and talked for a little bit, you know, just
6 telling me what, how her day was and this and that and, you
7 know, just talked and started prepping dinner. We had
8 tacos and so we cut up all the stuff and had everything
9 ready, cooked, and then we sat down around like six to eat
10 dinner and she said do you want to wake him up now or do
11 you want us to eat first and I was like, well let's eat and
12 that way, you know, if he wants to act up or something
13 happens, you know, we, we'll both of us be able to take
14 care of him, so she went in there and that's when she found
15 him having like a seizure thing.

16 Detective Troxell: Can you kind of describe
17 what he was doing?

18 Mr. Palmer: When she picked him up and brought
19 him around the corner his, I mean his head was just like
20 limp, his body, his arms. It's kind of hard, it was, his
21 arms and everything was like bowed up at, it was, acted
22 like, it was like a seizure. I mean I've never seen
23 anything like that, so she gave him, I said give him here.
24 I said get me a wet washcloth on his head right here and
25 set him on the end of the couch and had him at like a forty

Detective Troxell - Direct Examination by Ms. Lively 689

1 five degree angle and was holding him like that. I said
2 call 911, something's wrong, you know, and cause I was
3 talking to him and he was just, he was swinging with his, I
4 mean his fist balled up sideways like that and was swinging
5 it and hitting me in the face and I was sitting there and I
6 was just shaking cause I didn't what was going on and she
7 called 911 and the paramedics came and then they took him
8 to Conway.

9 Detective Troxell: Sunday, what happened on
10 Sunday?

11 Mr. Palmer: Sunday?

12 Detective Troxell: Did Julia work on Sunday?

13 Mr. Palmer: Yes, yes, she, she went to work
14 Sunday, I talked to my Mom and Dad, they asked us ---

15 Detective Troxell: What time did she go to
16 work, I'm sorry?

17 Mr. Palmer: I don't know if it was six or eight
18 that morning, I don't really remember.

19 Detective Troxell: But you got up in the
20 morning and --

21 Mr. Palmer: Yeah, she got up in the morning
22 again I talked to my Mom and Dad the day before and they
23 wanted us, me and Minor and Julie to come over to the pool
24 in their neighborhood, so I was like okay. I said when he
25 gets up, which once again at 9:30 Sunday I had to wake him

Detective Troxell - Direct Examination by Ms. Lively 690

1 up cause he didn't want to get up, went in there and got
2 him up and got him, you know, his bag together, swimming
3 clothes, and extra diapers and snacks, and this and that.
4 My Dad came and picked me up around like 11, 11:30; we went
5 over to my Mom and Dad's. I took him over there cause my
6 son Dillon wanted to go to the pool so my, me, Dillon, and
7 my Dad and Minor went over there. I had one of those
8 little floatie round things for small children, I set him
9 in it and he just laid there.

10 Detective Troxell: Okay.

11 Mr. Palmer: He just laid there, I mean he
12 didn't, didn't splash in the water, didn't do anything.

13 Detective Troxell: No movement at all in the
14 water?

15 Mr. Palmer: I mean he just, he'd lay there and
16 he'd whine and whimper.

17 Detective Troxell: Okay, what time did Julia
18 get to your Mom and Dad's house?

19 Mr. Palmer: I want to say it was around three,
20 3:30, around that time frame.

21 Detective Troxell: Did you guys all stay there?

22 Mr. Palmer: We, we ate, Mama went to the store
23 and picked up some food at Food Lion down the road here.
24 We had like a chicken, we picked the chicken off of the,
25 you know, the rotisserie chickens, got one of those and

Detective Troxell - Direct Examination by Ms. Lively 691

1 picked the chicken off of that. We had like, you know,
2 some other stuff, we ate, and then, you know --

3 Detective Troxell: Who went to the store?

4 Mr. Palmer: My Mom.

5 Detective Troxell: Your Mom, okay, then you and
6 Julia obviously go back home?

7 Mr. Palmer: No, no, we stayed at my Mom and
8 Dad's, I said you want to go to the pool and I asked her
9 and she said, yeah, so we went back again for the second
10 time to the pool but this time it was my Mama, my son
11 Dillon, Aydain, Julie, and me.

12 Detective Troxell: Okay, what time did you
13 finally leave your Mom and Dad's house?

14 Mr. Palmer: I want to say like 6, 6:30.

15 Detective Troxell: And you and Julia go back to
16 --

17 Mr. Palmer: Our house.

18 Detective Troxell: Okay, did anybody go with
19 you, is there anyone else there, just you and Julia?

20 Mr. Palmer: Yeah.

21 Detective Troxell: Okay, and that's where you
22 remained until 9:00 that next morning when --

23 Mr. Palmer: Yes.

24 Detective Troxell: Okay, how about Saturday; do
25 you remember Saturday?

Detective Troxell - Direct Examination by Ms. Lively 692

1 Mr. Palmer: Saturday, I don't, I don't have a
2 clue about Saturday. Saturday, oh, Saturday Julie went to
3 work, I was at home with Minor and, you know, I mean the
4 same thing, tried to get him up around 9:30, he acted like
5 he didn't want to do anything, tried a little bit of
6 breakfast. He wanted to get right back, you know, I asked
7 him to go play with his toys and, you know, just to try to
8 do something because I mean he wasn't active at all. He'd
9 just, he'd walk over there and pick up something just look
10 off, look off and look at you like can I please go sit down
11 or something, I mean it was just, that's all he did.

12 Detective Troxell: Okay, did anything, did you
13 guys go anywhere Saturday, do anything?

14 Mr. Palmer: No.

15 Detective Troxell: I meant go to dinner and
16 t.v. that?

17 Mr. Palmer: Yeah, well that evening, that
18 evening we went to dinner. I mean, but that was around
19 like six, seven that evening.

20 Detective Troxell: Okay, did anyone go with you
21 or was it just you, Julie, and Minor

22 Mr. Palmer: Yeah, just me, Julie, and Minor

23 Detective Troxell: And for time we're going to
24 speed up a little bit and going back further but you guys
25 got Minor from Julie's daughter, Cesalee?

Detective Troxell - Direct Examination by Ms. Lively 693

1 Mr. Palmer: Yes.

2 Detective Troxell: And from what I can remember
3 the temporary guardianship was signed over July 1st?

4 Mr. Palmer: Right.

5 Detective Troxell: And she left maybe the day
6 or day after that?

7 Mr. Palmer: Yeah, the next day she left.

8 Detective Troxell: And since then you guys, you
9 and Julia have been the primary caregivers?

10 Mr. Palmer: Right.

11 Detective Troxell: And providers?

12 Mr. Palmer: Well mostly, I guess you would say
13 me because Julia has a job and --

14 Detective Troxell: That's, and that's, yeah.

15 Mr. Palmer: And I'm unemployed.

16 Detective Troxell: During the day when Julia is
17 working and you're the only one that cares and provides for

18 Minor

19 Mr. Palmer: Yes.

20 Detective Troxell: Okay, does anyone else come
21 over and assist you and help you?

22 Mr. Palmer: No.

23 Detective Troxell: Okay, at night when Julia
24 comes over does anyone come over to help and assist you
25 guys?

Detective Troxell - Direct Examination by Ms. Lively 694

1 Mr. Palmer: When Julie comes home?

2 Detective Troxell: Or when Julia comes back
3 from work, yeah, I'm sorry, does anybody else come over and
4 ---

5 Mr. Palmer: Like I said the only time we only
6 had our neighbor just come over and, you know, the one's
7 you talked to, come over and talked to us for a little bit,
8 I mean, you know, other than that, that's it.

9 Detective Troxell: And they babysat him when?

10 Mr. Palmer: The date, I'm not exactly sure, I
11 want to say it was right after Cesalee left so it might
12 have been around the first week in July.

13 Detective Troxell: Third, fourth, fifth, sixth?

14 Mr. Palmer: Somewhere around that time frame,
15 yes.

16 Detective Troxell: Okay, and since then no one
17 else has watched or cared for Minor or been alone with
18 Minor no other adults? Okay, Weaver, you got anything?

19 Detective Weaver: Julie over the weekend she
20 was working, did, did she have any problems a work that you
21 know of; did she come home --

22 Mr. Palmer: She's had ---

23 Detective Weaver: Did she talk about work or
24 anything?

25 Mr. Palmer: Yeah, they've had, I guess they've

Detective Troxell - Direct Examination by Ms. Lively 695

1 had different people in, cause a lot of people, the higher
2 ups are, are I guess getting fired, getting this and that
3 and I mean she's always, it's always something going on
4 she says, you know, in the cash office, that's where she
5 works at, the Bass Pro Shop.

6 Detective Weaver: Did she, did she come home
7 agitated or upset?

8 Mr. Palmer: Yeah.

9 Detective Weaver: Any date?

10 Mr. Palmer: It's like an every day thing, you
11 know, I mean she, when she's ---

12 Detective Weaver: Right.

13 Mr. Palmer: Well she's steady putting in
14 applications trying to get out of there.

15 Detective Weaver: She's not happy there?

16 Mr. Palmer: Well with the drive, the gas
17 prices, and, you know, just one week they tell you, you
18 know, you can get thirty something hours and the next week
19 maybe you can get forty hours and then they keep, it keeps
20 going back and forth, you know, it's --

21 Detective Weaver: When she comes home from work
22 does she pretty much take over the primary duties of taking
23 care of Minor.

24 Mr. Palmer: Yeah, I mean she misses him and she
25 wants to, you know, see him.

Detective Troxell - Direct Examination by Ms. Lively 696

1 Detective Weaver: So she, she takes cares of
2 him?

3 Mr. Palmer: Pretty much, yeah, she asked me,
4 you know --

5 Detective Troxell: So you pretty much
6 relinquish the duties?

7 Mr. Palmer: Yeah.

8 Detective Weaver: When she comes home?

9 Mr. Palmer: Yeah, yes, yes.

10 Detective Weaver: Okay.

11 Mr. Palmer: Whenever she, you know, she wants
12 to do nothing when she comes in, hey, she calls him, hey,
13 Buttercup, and this and that, I mean she's, she misses him.
14 I guess it's like having one of her own, you know, but it's
15 just --

16 Detective Weaver: Okay.

17 Detective Troxell: You said when the paramedics
18 got there you had Minor

19 Mr. Palmer: At a forty five angle sitting up
20 like this.

21 Detective Troxell: And he was shaking and --

22 Mr. Palmer: Shaking and he was like swinging,
23 one of his arms was swinging, I don't know which, I want to
24 say it was his right arm.

25 Detective Troxell: You look like something is

Detective Troxell - Direct Examination by Ms. Lively 697

1 weighing heavy on you, Robert; what's on your mind? I know
2 you're upset cause of the passing of Minor but is there
3 something else?

4 Mr. Palmer: No.

5 Detective Troxell: Okay, here's the situation?

6 Mr. Palmer: I'm sitting here.

7 Detective Troxell: Here's the situation,
8 listen, just listen to me, hear me, okay, we've talked to
9 the doctor's. We've spent a week doing this, okay, there's
10 been no one else around. We know when this happened to
11 Minor and we've got it down medically and scientifically.
12 We've already discussed and we've covered when the doctor's
13 said it happened, okay. If it was an accident or something
14 happened at this point in time we need to know?

15 Mr. Palmer: No.

16 Detective Troxell: No.

17 Mr. Palmer: No.

18 Detective Troxell: There's nothing?

19 Mr. Palmer: No, I'm telling you right now
20 truthfully, I don't know what happened. I don't know what
21 the doctors have told ya'll but I'm telling you I've not
22 hurt that child; I would not hurt a child.

23 Detective Troxell: And we're not saying you
24 did.

25 Mr. Palmer: Well you're sitting here and

Detective Troxell - Direct Examination by Ms. Lively 698

1 telling me ---

2 Detective Troxell: No, no.

3 Mr. Palmer: You ---

4 Detective Troxell: You, you're crying and
5 you're upset and that's fine, I understand that, but what
6 I'm saying to you is now we've got to get to the bottom of
7 this.

8 Mr. Palmer: I understand.

9 Detective Troxell: And the explanations and the
10 things that have, the dog knocking the baby over and the
11 stroller, those are the only things you know that have
12 happened to Minor

13 Mr. Palmer: When I was there with her, yes, I
14 mean Minor yes, that's the only things I know of but like
15 I said she was with him.

16 Detective Troxell: And him falling off the bed,
17 those are the only three explanations that have been given
18 to us about what happened to Minor correct?

19 Mr. Palmer: Like I said, yeah.

20 Detective Troxell: Okay.

21 Mr. Palmer: The only ones I know of.

22 Detective Troxell: Well the experts at MUSC are
23 saying that's not possible. What happened to Minor was
24 recent, it was when he was in your and Julia's care. Now
25 if Julia did something and told you we, we've got to get to

Detective Troxell - Direct Examination by Ms. Lively 699

1 the bottom of it?

2 Mr. Palmer: I understand.

3 Detective Troxell: And it ---

4 Mr. Palmer: I've been cooperative so far.

5 Detective Troxell: And I know you are and we
6 appreciate that. You, we've went and woke you up at 8:00
7 this morning, we're not by any means saying you're not
8 cooperating, but what I'm saying is you've got a lot to
9 loose in this for a kid that isn't even ---

10 Mr. Palmer: She, she's ---

11 Detective Troxell: --- doesn't even have any
12 relation to you?

13 Mr. Palmer: --- a girlfriend, I understand.

14 Detective Troxell: And ---

15 Mr. Palmer: I understand and I'm sitting here,
16 like I said.

17 Detective Troxell: And now you can't even see
18 your five year old kid anymore.

19 Mr. Palmer: Right.

20 Detective Troxell: You probably won't be able
21 to see him for a while ---

22 Mr. Palmer: Well ---

23 Detective Troxell: --- until this is resolved
24 and you're going to end up going down a road that you don't
25 need to go down. If there was an accident or something

Detective Troxell - Direct Examination by Ms. Lively 700

1 happened to Minor if Julia told you, this is what
2 happened.

3 Mr. Palmer: I don't know, she never said
4 anything out of the way, I mean she, to tell me anything, I
5 mean I don't know. I wasn't with her Friday, that Friday
6 that just, Friday and, you know, Friday and Saturday and
7 Sunday and a Monday, that, that Friday I was not with her,
8 I went out with the next, with my next door neighbor for a
9 little while.

10 Detective Troxell: Where did ya'll go?

11 Mr. Palmer: We went to Beef O'Brady's in
12 Conway.

13 Detective Troxell: Okay, that's the first time
14 we've heard of that.

15 Mr. Palmer: You've only asked for, you know,
16 ya'll keep wanting to say Saturday and Sunday, I mean
17 Sunday and Monday, you know, that's what you --

18 Detective Troxell: Like I said there's a reason
19 for that.

20 Mr. Palmer: Okay.

21 Detective Troxell: And the doctors have
22 explained to us that whatever happened to Minor happened
23 in a certain time frame ---

24 Mr. Palmer: I do not believe.

25 Detective Troxell: --- within, you're not going

Detective Troxell - Direct Examination by Ms. Lively 701

1 to believe that?

2 Mr. Palmer: I'm just telling you that, that ---

3 Detective Troxell: Do you want to read where
4 the doctor wrote that?

5 Mr. Palmer: No, no, I don't want to read it. I
6 had a doctor tell me that the other day in, in the hospital
7 when we got there at like 4:00 in the morning, he said,
8 this is recent. I said, there's no way, there's nothing
9 that, that, he's been around me that would have caused
10 something like that, there's nothing.

11 Detective Troxell: We're not saying you're a
12 violent, mean person.

13 Mr. Palmer: Well --

14 Detective Troxell: Accidents happen,
15 frustration kicks in, it's not your kid, but if, if
16 something happened at this point we've got to get that out
17 on the table so we can address it and move forward.

18 Mr. Palmer: Okay.

19 Detective Troxell: By stalling and going here
20 and staying here then we're not going to be able to move
21 forward and deal with the situation at hand.

22 Mr. Palmer: Okay.

23 Detective Troxell: And I'm not accusing you of
24 doing anything mean, I don't think you have a malicious
25 bone in your body. I've done a background on you; I know

Detective Troxell - Direct Examination by Ms. Lively 702

1 you ain't, you've never been in trouble. You're trying to
2 do right for your kid and this is just a bump in the road.

3 Mr. Palmer: A huge bump.

4 Detective Troxell: That we're all going to get
5 through and we're going to get past, but it's going to take
6 someone owning up and admitting what happened because the
7 doctors are putting it in yours and Julia's hands; I'm
8 going to put it point blank to you.

9 Mr. Palmer: That's all right.

10 Detective Troxell: I'm not going to beat around
11 the bush, I'm not going to bullshit you.

12 Mr. Palmer: I know, I know, that's why ---

13 Detective Troxell: So you and Julia, you're
14 going to end up going to jail for this.

15 Mr. Palmer: I've never even been in one, I
16 don't even know what it looks like.

17 Detective Troxell: And you've got the most to
18 loose ---

19 Mr. Palmer: I understand.

20 Detective Troxell: --- out of this whole deal
21 and the most to gain, and help me, help me understand,
22 explain it to me cause I've got you guys saying there ain't
23 no way in hell cause the baby's been like this since
24 Thursday when I can prove scientifically, no, it happened
25 recently.

Detective Troxell - Direct Examination by Ms. Lively 703

1 Mr. Palmer: I don't know what to tell you cause
2 I haven't hurt him, I haven't done anything. I've been
3 trying to give him more than what he came with.

4 Detective Troxell: Exactly, you've done nothing
5 but care for this baby and he ain't even yours. I'd say
6 you have no ties with him. You've been there from six in
7 the morning till three in the afternoon caring for a kid
8 that you've got no ties to. You're a caring person.
9 You're upset that you've lost a kid that you don't have
10 anything but three weeks invested in. That shows a lot to
11 your character and a lot to the person you are. We've met
12 your parents and they've spoken highly of you.

13 Mr. Palmer: This is, I don't know, I have no
14 clue what to tell you.

15 Detective Troxell: Have you ever seen Julia
16 loose her grip and loose her control with Minor

17 Mr. Palmer: Not while I was there.

18 Detective Troxell: Not while you were there;
19 does she ever loose her grip and go out of control with
20 you? Has she got a temper?

21 Mr. Palmer: I mean just normal things like I
22 said, everything that's happened to us it seems like are
23 happening bam, bam, bam, you know, the car, me getting laid
24 off, you know, Cesalee coming, and all this with Minor a
25 number of things. I wish there was something I could help

Detective Troxell - Direct Examination by Ms. Lively 704

1 you with but I'm --

2 Detective Weaver: What do you think, what do
3 you think happened to him?

4 Mr. Palmer: I don't have a clue, I wish I knew,
5 I mean, like I said he was, she left --

6 Detective Weaver: But the time frame we have,
7 we know is, we know it, it just happened, okay, it
8 happened, we know the time, we know, we know the time
9 frame, this is your opportunity to tell us what happened,
10 Robert, it's very important.

11 Mr. Palmer: I'm telling you.

12 Detective Weaver: Listen to me, listen to me,
13 you're a military guy, right?

14 Mr. Palmer: I was, yes.

15 Detective Weaver: You're a Navy guy, right?

16 Mr. Palmer: Yes.

17 Detective Weaver: You served your country,
18 right?

19 Mr. Palmer: Yes.

20 Detective Weaver: You have integrity, right?

21 Mr. Palmer: Yes.

22 Detective Weaver: You're right, you did an
23 honorable thing serving our country. Why don't you do an
24 honorable thing right now and tell us what happened? This
25 is your time, buddy, this is your time cause you're going

Detective Troxell - Direct Examination by Ms. Lively 705

1 to go to jail?

2 Mr. Palmer: Okay, that's fine.

3 Detective Weaver: And you need to tell us what
4 happened?

5 Mr. Palmer: I don't do anything.

6 Detective Weaver: If it was an accident we need
7 to know that?

8 Mr. Palmer: I didn't do anything.

9 Detective Weaver: Did you ever see Julie?

10 Mr. Palmer: I don't ---.

11 Detective Weaver: Hurt him?

12 Mr. Palmer: Not when I was there, no, I'm
13 telling you I don't know. I just, you know, if I had known
14 this was going to happen I would have sit here and got a
15 lawyer, I mean cause ya'll sitting here and accusing me of
16 this.

17 Detective Weaver: We're not, we're trying to
18 find out what happened. Listen, listen to where we're
19 coming from, okay, we've got a little boy that's dead.

20 Mr. Palmer: I understand.

21 Detective Weaver: We're just trying to find out
22 the facts.

23 Mr. Palmer: I'm living with that.

24 Detective Weaver: I understand that, but we've
25 got to find out what happened to him. That's, that's what

Detective Troxell - Direct Examination by Ms. Lively 706

1 we have to do, and we're up to this point whatever you're
2 telling us is not adding up. What the doctors tell us
3 ain't adding up.

4 Mr. Palmer: That's fine, I don't know either.

5 Detective Weaver: We need some answers.

6 Mr. Palmer: I can't help you, all I know is
7 that this is crazy.

8 Detective Weaver: I'm trying to help you, man.

9 Mr. Palmer: That's fine, I understand that.

10 Detective Weaver: But you've got to help me.

11 Mr. Palmer: I'm not hiding anything, if I was
12 hiding anything wouldn't I come up clean; I don't want to
13 go to jail..

14 Detective Weaver: I know you don't.

15 Mr. Palmer: I've never been in jail.

16 Detective Weaver: How long you been with Julie?

17 Mr. Palmer: About four years.

18 Detective Weaver: Four years, is she worth
19 going to jail over?

20 Mr. Palmer: What do you think, nobody's worth
21 going over to jail.

22 Detective Weaver: I'm, I'm asking you?

23 Mr. Palmer: No.

24 Detective Weaver: Well then you need to tell us
25 if you know something about Julie you need to tell us?

Detective Troxell - Direct Examination by Ms. Lively 707

1 Mr. Palmer: I don't know, I don't know. It
2 seems like the more we, investigating, the more I find out
3 about her and Cesalee and everything they've had. I don't
4 know, but this was all new to me and I didn't know all this
5 stuff about Cesalee, didn't want her to come in the first
6 place, her and Julie couldn't get along.

7 Detective Troxell: How is not being able to see
8 Dillon affecting you or not even being able to bring Dillon
9 over to your house by yourself?

10 Mr. Palmer: I mean, well how do you, what would
11 you feel?

12 Detective Troxell: I can't imagine, I don't
13 have children of my own, but I can imagine it is possibly
14 tearing you up.

15 Mr. Palmer: It's awful.

16 Detective Troxell: And you're fine with sitting
17 here and going to jail and possibly not seeing him for a
18 real long time because it's you or Julia, we're throwing
19 Cesalee out, okay, it didn't happen. Cesalee was gone,
20 we've already covered that. We've got her airplane
21 documentation, date, time, flight numbers, when Cesalee
22 left Myrtle Beach, okay. She is not in, in the realm of
23 possibility. The only thing she may be guilty of is being
24 a bad, horrible mother, but she wasn't here when these
25 injuries were inflicted to Minor okay, and we can go

Detective Troxell - Direct Examination by Ms. Lively 708

1 ahead and throw Friday out the window when you, you were
2 out with your neighbor, it didn't happen Friday, okay.
3 We've got the doctors saying within x amount of time from
4 when we got Minor is when this happened, and you're fine
5 with going to jail?

6 Mr. Palmer: No, I'm not fine with going to
7 jail, I mean seriously I don't know what to tell you. What
8 you're looking for you're not going to find it in me cause
9 I've not done anything out of the way to that child.

10 Detective Troxell: Okay.

11 Mr. Palmer: So I mean if, if I gotta go to jail
12 then I guess I gotta go to jail, so --

13 Detective Troxell: And you're just going to
14 leave it at that?

15 Mr. Palmer: What do you want me to do? I
16 can't, I --

17 Detective Troxell: You've got to know
18 something. There's no way you don't, that trailer isn't
19 that big?

20 Mr. Palmer: I understand.

21 Detective Troxell: What's, what happened to
22 Minor ---

23 Mr. Palmer: Yes.

24 Detective Troxell: --- was a violent enough act
25 that it would have been known immediately. He would have

Detective Troxell - Direct Examination by Ms. Lively 709

1 shown symptoms, he would have been symptomatic immediately,
2 that is straight from, and I'll read all her credentials.

3 Mr. Palmer: I, you don't have to go through
4 the, I mean it's, she's a doctor, right?

5 Detective Troxell: Dr. Anna Able, Medical
6 Director of the Violence Intervention Prevention Center.
7 This lady's an expert, she's the one who's, it's not going
8 to be me and Weaver sitting on the stand, well we think
9 this, it's going to be an expert. I know this is what
10 happened.

11 Detective Weaver: That all she does, man.

12 Mr. Palmer: That's fine.

13 Detective Weaver: She's an expert. It's all
14 she does.

15 Mr. Palmer: I understand, I --

16 Detective Troxell: And you're going to chalk it
17 up to that's fine.

18 Mr. Palmer: No, I mean what do you want me to
19 say?

20 Detective Troxell: I don't understand.

21 Mr. Palmer: What do you want me to say?

22 Detective Weaver: Do you, do you have any
23 knowledge at all? Have you talked about it? Has Julie
24 said anything to you about it?

25 Mr. Palmer: No, she hasn't been around. She

Detective Troxell - Direct Examination by Ms. Lively 710

1 came home last night around 7:30.

2 Detective Weaver: No, I'm talking about Monday
3 or Sunday or any time?

4 Mr. Palmer: We hadn't been ---

5 Detective Weaver: Have you talked about it?

6 Mr. Palmer: We hadn't been alone. I mean it's
7 been in, in and out of questioning and going to see Minor

8 Detective Weaver: You've been in automobiles.
9 You've been driving together.

10 Mr. Palmer: Yeah, I mean she's talking on the
11 phone.

12 Detective Weaver: You've been at the hospital
13 together.

14 Mr. Palmer: She's been talking on the phone to
15 all kinds of people. I've been doing all the driving.
16 She's been talking on the phone, you know, telling, you
17 know, I don't know what, like I said I'm finding more and
18 more out now that, about Cesalee and her relationship, you
19 know, that I had nothing, I had no clue of. I don't, I
20 don't know what to tell you.

21 Detective Weaver: I talked to your parents. I
22 know what kind of person you are.

23 Mr. Palmer: I understand that, I mean --

24 Detective Weaver: Okay, you're a good person.

25 Mr. Palmer: Right.

Detective Troxell - Direct Examination by Ms. Lively 711

1 Detective Weaver: But things happen. Maybe it
2 was an accident, we need to know right now, man. We need
3 to know cause, once we walk out of this room, we need to
4 know right now.

5 Detective Troxell: But there's no coming back
6 here.

7 Detective Weaver: We need to know what
8 happened.

9 Mr. Palmer: That's fine.

10 Detective Weaver: Like I said I, I know what
11 kind of person, we've checked around.

12 Mr. Palmer: That's good, I mean, you know, it's
13 not going to do me any good now because of you guys.

14 Detective Weaver: You feel the same way about
15 Julie?

16 Mr. Palmer: Huh?

17 Detective Weaver: You feel the same way about
18 Julie. You think she's a good person?

19 Mr. Palmer: From what I've seen of her, yes.
20 I, I don't know what you want me to say and I'm not going
21 to say anything.

22 Detective Troxell: We're coming to you first.
23 There's a reason ---

24 Mr. Palmer: That's fine.

25 Detective Troxell: --- we came to you first.

Detective Troxell - Direct Examination by Ms. Lively 712

1 Mr. Palmer: And I know there was a reason you
2 came to me first cause you wanting, this is all cause I'm
3 the one that gave him primary care.

4 Detective Troxell: Wrong.

5 Detective Weaver: No.

6 Detective Troxell: Wrong, you're the only one
7 that in the entire time that we've talked to you that has
8 showed any care or compassion or has remotely teared up.
9 When we sat down in that hospital room Julia was stone cold
10 straight faced and we talked. When you came in and when
11 you were describing how you held Minor and he was shaking
12 you got teary then. That showed me what kind of person you
13 are. It shows me what kind of character you have. It also
14 leads me to believe that if there was something that might
15 have happened you would be the one to step up and say, you
16 know what, someone needs to speak for this child.

17 Mr. Palmer: I understand.

18 Detective Troxell: He can't speak for himself.

19 Mr. Palmer: I understand. I, I, if I could
20 help you I would, I told you that. I'm not going to change
21 my story. I, I have nothing to hide.

22 Detective Troxell: Okay, nothing to hide,
23 nothing else you want to add, nothing? You can't, think
24 back, let me, we'll step out and give you a few minutes to
25 think, maybe something happened, maybe he fell off

Detective Troxell - Direct Examination by Ms. Lively 713

1 something, he did something, I don't know, something
2 happened.

3 Detective Weaver: Think hard, man. Hey, look
4 at me, this is the most important day in your life right
5 now, okay?

6 Mr. Palmer: You're telling me.

7 Detective Weaver: So you need to think about
8 it.

9 Detective Troxell: Have you been able to
10 possibly think of anything, any explanation as to why we're
11 here and going through what we're going through?

12 Okay, do you know what's going to happen from
13 this point forward?

14 Mr. Palmer: Yes, I do.

15 Detective Troxell: Not only with you but with

16 Minor

17 Mr. Palmer: I guess I'm going to jail.

18 Detective Troxell: We're going to the autopsy.

19 Detective Weaver and I are going to attend that and we're

20 going to photograph that, and we're going to have the

21 radiographs, our photographs that we take, the forensic

22 pathologist, and we're going to examine the skull, and

23 there is [sic] ways that we can medically and

24 scientifically prove that the fractures on it are, are

25 fresh fractures, and the way they can prove that is the

Detective Troxell - Direct Examination by Ms. Lively 714

1 fractures aren't healed nor are they calloused, okay.

2 There is going to be a mountain of evidence
3 that's saying something happened in that house or something
4 happened while, as you put it, you and Julia were caring
5 for the child, cause no one else could have done it. No
6 one else had access. There was no one else but you guys so
7 I am going to have all this over here and you're saying I
8 don't know, and then you're saying I guess I'm going to
9 jail.

10 Mr. Palmer: What do you want me to say? I mean

11 ---

12 Detective Troxell: You're at a crossroads in
13 your life, like Weaver said, your life, your life is never
14 going to be the same as, once we walk out of this, this
15 office, the next time we walk out of here.

16 Mr. Palmer: It seems like that for the last two
17 years, so I mean nothing's changed, steady going downhill,
18 you do something nice and look where it gets you. I'm in
19 here talking to ya'll two.

20 Detective Troxell: But you can change it?

21 Mr. Palmer: I, I, I ---

22 Detective Troxell: You have the power to change
23 it.

24 Mr. Palmer: Listen to me, I did not do anything
25 to that child. All I did was try to care for him.

Detective Troxell - Direct Examination by Ms. Lively 715

1 Detective Troxell: I'm not saying you did
2 anything to that child and I know you tried to care for it,
3 at no point have we said, Robert, you did something to that
4 kid, did we?

5 Mr. Palmer: I'm the primary caregiver, that's
6 what I'm trying to --

7 Detective Troxell: You're the primary
8 caregiver, yeah, but there's also times where the care
9 isn't in your hands, there's Julie.

10 Mr. Palmer: Right.

11 Detective Troxell: The hand of one is the hand
12 of all, if you know something, if she did something I'm
13 telling you now you need to tell us cause you're going to
14 go down, you're going down a path you don't need to.

15 Mr. Palmer: I understand, but I, if I knew I
16 would tell you, I don't know anything. She has not said
17 anything. I haven't done anything. I don't know what to
18 tell you. I mean, when I'm not there exactly what, I'm not
19 there. I don't have a camera, you know, a camcorder going
20 the whole time saying this is what she did while I was
21 gone, no, I don't know what, while I was not there.

22 Detective Troxell: But she, you don't think
23 she's capable of doing something?

24 Mr. Palmer: I don't know, I don't know.

25 Detective Weaver: I find it hard to believe the

Detective Troxell - Direct Examination by Ms. Lively 716

1 last couple of days ya'll didn't talk about what you felt
2 happened to Minor You didn't talk about it at all, what
3 happened to him?

4 Mr. Palmer: Yeah, we, yeah, what we said was, I
5 guarantee it was Cesalee.

6 Detective Weaver: Not possible.

7 Mr. Palmer: Okay, then ---

8 Detective Weaver: Medically it's not possible.

9 Mr. Palmer: Okay, that's fine. That's what we
10 said, you know, I mean she left.

11 Detective Troxell: Don't you think it's a
12 little odd that she was so quick to throw Cesalee under the
13 bus? So quick to not say maybe it was an accident but that
14 ---

15 Detective Weaver: Her own daughter, flesh and
16 blood, thrown under the bus.

17 Detective Troxell: That she could care less,
18 she could care less about her daughter?

19 Mr. Palmer: Well that must say something that
20 I'm not the one, wouldn't you think?

21 Detective Troxell: But the hand of one is the
22 hand of all and if you ---

23 Mr. Palmer: I understand.

24 Detective Troxell: --- don't know anything you
25 can't say anything.

Detective Troxell - Direct Examination by Ms. Lively 717

1 Mr. Palmer: I don't know anything, I don't.
2 That's what I'm trying to tell you. I do not know what
3 happened to that child..

4 Detective Troxell: So you're going to roll the
5 dice on Julia maning up and saying I did something because
6 if she doesn't then both of you are going to end up going
7 to jail?

8 Mr. Palmer: What I know that's what, I can't
9 stop this, this is the way the justice system works. What
10 do you want me to say?

11 Detective Troxell: It's not the justice system.
12 It's not anything being put on you, it's what we can prove.

13 Mr. Palmer: That's ---

14 Detective Troxell: We don't go to Court with
15 assumptions, we go to Court with fact.

16 Mr. Palmer: I got you, I understand that.

17 Detective Troxell: Didn't you think it was odd
18 that we came in there and we didn't just measure the bed?
19 I measured every damn thing in your house that had a flat
20 surface ---

21 Mr. Palmer: I know, I ---

22 Detective Troxell: --- to disprove that he
23 could have fallen from anything.

24 Detective Weaver: Yes, there's no way. I knew
25 that.

Detective Troxell - Direct Examination by Ms. Lively 718

1 Detective Troxell: All of that has been chucked
2 out the window.

3 Mr. Palmer: Okay, I don't know what, what you
4 want me to say. Do you want me to just to fess up and say,
5 hey, I did this, I'm not going to do that. I did nothing
6 to that child. I'm, I'm not going to change my story. I
7 did not do anything to this child. Whatever you want me to
8 say, I'm not going to say it. I did nothing to this child.

9 Detective Troxell: At no point, I don't want
10 you to say that, if you didn't do it. All I can ask you to
11 give me is the truth.

12 Mr. Palmer: It seems like ya'll want me to, you
13 walk out and then you come back in and want me to think of
14 something, I don't know, I'm trying to.

15 Detective Troxell: I'm just giving you a chance
16 to jog your memory.

17 Detective Weaver: We just want the truth.

18 Detective Troxell: And to stress the things
19 that ---

20 Mr. Palmer: I, I want the truth.

21 Detective Troxell: And to stress the things
22 that have happened over the course of the week, if you take
23 time to think, you haven't slept, probably haven't eaten,
24 you haven't got adequate rest, things jog your memory. I'm
25 not trying to give you, give me an explanation, that's not

Detective Troxell - Direct Examination by Ms. Lively 719

1 what I want.

2 Mr. Palmer: I didn't, you know, after
3 everything that happened Monday or, and Tuesday, where, you
4 know, we was questioned and brought in by different people,
5 nobody once give a rip about how much sleep we had, so
6 right now that's not here nor there.

7 Detective Weaver: That's not true, I asked you
8 a couple of times you getting any rest, how you doing?

9 Mr. Palmer: I didn't get any. I got maybe
10 thirty minutes in a hospital, if you know how hospitals
11 are, it's slamming, beating, people walking, and doing this
12 and that, not once on forty-something hours have I changed
13 my story and I won't do it now.

14 Detective Troxell: Okay, that's fine.

15 Detective Weaver: No problem with that. This
16 interview's over, buddy.

17 Mr. Palmer: All right.

18 Detective Weaver: Sit down, you ain't going
19 anywhere just yet, we've gotta get a set of handcuffs for
20 you.

21 (Whereupon, a bench conference was held off the
22 record in the presence of the jury, but out of the hearing
23 of the jury.)

24 The Court: All right, ladies and gentlemen,
25 the next tape will be about an hour long so what I have

Detective Troxell - Direct Examination by Ms. Lively. 721

1 The Court: All right, all our jurors are back,
2 ready to proceed, Ms. Lively?

3 Ms. Lively: Yes, sir, Your Honor, when we broke
4 the State was getting ready to publish the interview of
5 Defendant Julia Gorman and we're ready to proceed.

6 The Court: All right, and we're ready for you
7 to proceed.

8 Ms. Lively: Thank you, Your Honor, let us have
9 the screen.

10 (Whereupon, State's Exhibit Number 65 is played
11 in open court.)

12 Detective Troxell: Grab a seat for me, we'll be
13 right with you.

14 Ms. Gorman: Okay.

15 Detective Troxell: I've got to get Weaver.

16 Ms. Gorman: I don't like this.

17 (Whereupon, Detective Weaver enters the interview
18 room with Detective Troxell.)

19 Detective Weaver: Hey, Julie.

20 Ms. Gorman: Hey.

21 Detective Weaver: Have a seat here.

22 Ms. Gorman: Okay.

23 Detective Weaver: That's my seat.

24 Ms. Gorman: That's my seat, I don't see a name
25 tag.

Detective Troxell - Direct Examination by Ms. Lively 722

1 Detective Weaver: We'll get to that later.

2 Ms. Gorman: I know, I was just reading, passing
3 time.

4 Detective Weaver: Okay.

5 Detective Troxell: What is that, that?

6 Ms. Gorman: This is when she was in, when we
7 lived in North Carolina, I had told him that remember I was
8 looking for it for you?

9 Detective Troxell: Yeah, yeah.

10 Ms. Gorman: It was just, I wanted you to read
11 even through school, you know, she had problems.

12 Detective Troxell: Y ---

13 Ms. Gorman: Here's her discharge papers,
14 contract from the doctor that, you know, she was supposed
15 to follow the rules at least for the, you know, failure to
16 comply, what would be happening, the letter she wrote me.

17 Detective Troxell: Yeah, we'll get to all that
18 in just a second, how are you doing this morning?

19 Ms. Gorman: How do I look?

20 Detective Troxell: You look exhausted.

21 Ms. Gorman: Robert told me, he goes, I may have
22 went to bed last night, he was but I tossed and turned.

23 Detective Troxell: How you handling everything;
24 how you dealing with it?

25 Ms. Gorman: Trying to stay strong, I've gotta

Detective Troxell - Direct Examination by Ms. Lively 723

1 stay strong for everybody. I don't, I don't know, I don't
2 if it's hit me, but I'm sure it will. I came home because
3 I thought it best as I was telling Detective Weaver after
4 everything that, that I was being told, things that have
5 been said to me, I just felt very uncomfortable and felt it
6 was best I come home.

7 Detective Troxell: What were you being told,
8 what was being said to you?

9 Ms. Gorman: Wednesday, Tue -- Tuesday, I'm
10 trying to get my dates right because everything just kind
11 of comes together now, I don't know about 7:00, you know,
12 we were leaving the hospital because we needed to get some
13 rest, you know, we had been up for over forty hours, told
14 the nurse, gave our cell phones, and said if Richard shows
15 up, please, give me a call so I can come back. No phone
16 call, so we went on, woke up at 4:00, couldn't sleep, so I
17 left the hotel room and went to the hospital with Minor
18 went to the phone and they told me I couldn't come in
19 because no visitors were allowed for the father. Okay, I
20 could accept that and I was in the hallway waiting for him
21 to come up and he saw me and I put my finger up, you know,
22 cause I was on the phone, hold on a second, and he stopped
23 and he told me he debated on stopping or just keep walking,
24 and he, and, and, you know, he, he told that, you know,
25 that he was brain, you know, Minor was brain dead and, of

Detective Troxell - Direct Examination by Ms. Lively 724

1 course, it's devastating and but all my, all my feelings
2 aside I stepped up to him and gave him a hug, you know, I'm
3 sorry, you know, I'd do that to anybody, and we talked and
4 I told him and I said, you know, any animosity that anybody
5 has my family, your family, you know, because both of our
6 families don't like each other, I said this isn't about us
7 no more. It's about Minor you know, so he, he agreed
8 that, you know, I could go back in and I could see him on
9 my own, I didn't have to have supervision or anything and I
10 said I, I appreciate that, you know, I've been here since
11 day one, you know, to take that away from me, you know, is,
12 is, this is punishment enough.

13 It's punishment enough what I'm going through but
14 that's even more punishment for me, so we went inside, told
15 the nurse, he said, you know, I would be allowed back in
16 unless there was a confrontation. I said, okay, they said,
17 okay. I told them I was going home, you know, to get my
18 car and everything. That's when ya'll showed up to take
19 pictures and everything.

20 And when I got back, you know, and I called him
21 and said I was on my way and that's when I got the message
22 that Minor had passed, as I was driving back to
23 Charleston, and it was just devastating. I got there, went
24 up to the room, you know, saw Minor took Richard, I
25 didn't have to go back, you know, I could have stayed home

Detective Troxell - Direct Examination by Ms. Lively 725

1 but I needed to make sure he was okay, like or not like,
2 make sure you're okay, too.

3 We went to dinner at Uno Mas and we talked and
4 everything and he offered me to stay in his hotel room, you
5 know, cause I told him I would sit up with a pillow and a
6 blanket and I would sleep in my car, it was no big deal.
7 And he goes, no, come stay there, he wasn't, I said all
8 right, so I drive him to the Air Force Base. We went up
9 there and we were talking and he was telling me that he'd
10 spoke to Detective Weaver and told him, I can't do it
11 verbatim, that it was your day off, you said you were off.
12 He says I'm a marine, I'm in the military, I work twenty
13 four seven, and you will do the same and if you can't
14 comply, you know, do that then you need to give the case to
15 somebody else because you don't get a day off. I said,
16 okay, I didn't say nothing more. I just bit my tongue and
17 cause he doesn't know that I've been conversing with you,
18 you know, I've kept that to myself. I can't remember if I
19 told him that you guys were at my house. I believe I did
20 but I didn't tell him why you were there, and then he told
21 me that the reason why my mother was coming here, I said,
22 my mom didn't know anything, I mean she didn't even see,
23 she didn't know nothing more cause I thought it wasn't good
24 for her to know on a bus, you know, three day trip. My mom
25 is about sixty, you know, I didn't know if she could take

Detective Troxell - Direct Examination by Ms. Lively 726

1 that and I felt it would be better here, you know, there
2 when she got here, if anything was to happen to her, crack
3 emotionally, we were in a facility. They could take care
4 of her.

5 He told me the reason why my mother was coming
6 was to help get Minor well, and then when I was at work
7 one day I wouldn't know when I came home from work she
8 would have packed his stuff and left, be gone. It's very
9 deceitful, you know, very, you know, dirty and I almost
10 said something to him about, nothing new to me my mother's
11 done it to me before, you know when I, when I was in high
12 school, I was a sophomore, when I was a freshman, going
13 into freshman high school in Kansas, we went to Kansas to
14 visit my dad and I hadn't know, I hadn't really seen my dad
15 in years and she made me stay. She told me I had to stay
16 for a couple of weeks, get to know your dad and your
17 brothers, begged and promised, please let me come home.
18 She said a couple of weeks you can come home. After she
19 left Kansas she called me and told me I was staying. I
20 don't know this man from a hill of beans, I mean my dad's
21 like hell I will tell you that, hell, couldn't tell you if
22 he was alive, that's how I felt that year because I was
23 angry, you know.

24 My sophomore year my parents remarried and they
25 fought a lot. There were -- my mom told me that they got

Detective Troxell - Direct Examination by Ms. Lively 727

1 into a fight again, you know, arguing, she was leaving,
2 told me I could come with her. I said, no, I'm on the
3 honor roll student, really good grades, really good school
4 and I had good friends. She said, okay, permission not to
5 come home after school I was going to the mall and my
6 brothers called and told me I needed to come home now, I
7 was like, come home now. When I came home our house was
8 cleaned out except my bedroom. She took everything and
9 left us. She already had it planned, you know, so I mean
10 once again I've been abandoned so, you know, and, and to
11 tell me that you're going to do this to a baby, to take him
12 from my home without me, again abandonment, you know,
13 you're taking from me, taking my life.

14 Detective Troxell: Right.

15 Ms. Gorman: So I didn't say nothing and then he
16 told me, let's see, well then I told him I'll step outside
17 and talk on the phone. I called my sister, you know, I was
18 telling, talking to my sister and I was telling her these
19 things. My sister's got reason to be because it's happened
20 to her, too, you know, growing up and I said, all right, we
21 talked about an hour and I went back inside the hotel room
22 and sat there for a minute, couldn't sleep, very
23 uncomfortable being here now because, and at first I didn't
24 want to stay anyway. I was trying to be okay with
25 everything and so I wrote him a note saying I can't sleep,

Detective Troxell - Direct Examination by Ms. Lively 728

1 I'm going to back to the hospital to be with Minor call
2 me in the morning, you know, so I left, called my sister
3 back and I said you need to talk to me, back to the
4 hospital so I had something to do for the, for that I don't
5 know forty five minutes or whatever.

6 Then she talked to me and stayed out in the
7 parking lot for a minute and I went upstairs and Nancy's
8 the nurse that was there and, excuse me, and her and I
9 talked for a long time, just talking and she told me to go,
10 you know, cause they were checking on Minor and his fever
11 and I said I was getting emotional and she says why don't
12 you go take a break and when you come back then we'll give
13 him a bath and change his beddings and make me feel useful
14 so that I can do for him, went downstairs took a break,
15 smoked some cigarettes, came upstairs and we cleaned him
16 up, changed, you know, did everything we were supposed to
17 do and it made me feel good.

18 It's something to do, it's like this, this was
19 like my ending chapter and I don't mean it like that but it
20 was the final thing that I could do for him and then
21 Richard called me and asked where I was at and I said did
22 you get my note. He goes, no, and I said it's sitting
23 there by the keys, it says I came to the hospital. He
24 said, okay. I stayed at the hospital and then he called me
25 and said that they were, him and Cesalee were downstairs

Detective Troxell - Direct Examination by Ms. Lively 729

1 and I was very hesitant to go down there because I didn't
2 know what I was going to come into, you know, if she was
3 going to lash out. And they walked up and I walked
4 downstairs and I didn't touch her, didn't, we were caught
5 up like this. I, I couldn't go to her, it's just it, it's,
6 I was so afraid, I didn't know if she was going hit me, you
7 know, because she has before so it, it's nothing new and --

8 Detective Troxell: Why do you think she would
9 hit you?

10 Ms. Gorman: Angry, you know, just to be
11 expected, you know, just I, you know, if I was in her
12 position, you know, if it was me and I, I don't know what I
13 would do either, you know, but because I know her
14 background and everything and I, I was already prepared.

15 So we were talking and I was, you know, she said
16 she made a scrape book and everything and asked me if I
17 wanted to look at it and ---

18 (Whereupon, Ms. Gorman's cell phone rings.)

19 Ms. Gorman: --- stop phone, and I looked at it,
20 you know, they asked if they could put their luggage in my
21 car, not a problem. Before we did that, you know, we were
22 talking and everything and I was telling, I said did they
23 call you and tell cause it was very adamant ^{Minor} being in
24 a private room and ---

25 (Whereupon, Ms. Gorman's cell phone rings.)

Detective Troxell - Direct Examination by Ms. Lively 730

1 Ms. Gorman: --- sorry ---

2 Detective Troxell: Could you just shut that off
3 or something?

4 Detective Weaver: Could you cut that off?
5 Just, just cut it off.

6 Detective Weaver: A little bit of a hassle.
7 Let's keep moving.

8 Ms. Gorman: --- letting them, letting them know
9 that they decided not to move Minor to a private room
10 because his blood pressure was like, you know, going up and
11 down and they felt like if they moved him he might go into
12 cardiac arrest. So I told him and he was mad because they
13 didn't call him and I said because he surely didn't want
14 information from me and I said it wasn't right that they
15 were giving me information, I was, I just happened to be
16 there and, and, I said so he is still in the same spot, you
17 know. And of course Cesalee asked what cardiac arrest
18 meant and I said it means heart failure and his comment was
19 it doesn't mean nothing because he ain't there anyway. No
20 that's not I mean, his heart works but it might be by
21 machine but his heart, his lungs, his organs work so don't,
22 you know, that upset me because he said that, to where he
23 it, even though he's gone, his soul, but physically his
24 body works and, and I wanted her to know that. So we
25 walked to the car, put our stuff in the car, put their

Detective Troxell - Direct Examination by Ms. Lively 731

1 stuff in the car and Richard had told me that him and
2 Cesalee had talked and, and Ceslaee was standing there,
3 that they didn't want anybody to go to jail. They said
4 whoever did this it's punishment enough because, cause
5 they're going to be, whoever killed my son is going to have
6 to live with this for the rest of their life and jail is,
7 is a privilege, a luxury. I was, like, okay, what do you
8 want me to say, you know. Okay. So, and then, you know,
9 at the, at the car I was telling Cesalee what had happened
10 Monday, you know, from the time I left, the time I got home
11 and I was telling her, you know, he was having seizures and
12 Richard told me, he goes, he wasn't having seizures in your
13 arms, he was dying in your arms, he was already dead.
14 Okay. I didn't say nothing. I just, you know, Detective
15 Weaver, I mean, this is way of grief, you know, and I
16 accept that, you know, and that's why I bit my tongue. I
17 didn't lash back, say anything because, you know, what am I
18 supposed to say?

19 You know I, very, I called Doctor, I mean,
20 Detective, I'm sorry, Detective Weaver, and I said he told
21 me this stuff and I said I don't feel comfortable being
22 here. I said I promised I would pick up my mom and I'm
23 coming home. They were going to have him baptized, blessed
24 and while we were at the hospital before I picked up my
25 mother, one of the children in the hospital may have

Detective Troxell - Direct Examination by Ms. Lively 732

1 claimed to have kidney failure so immediately they went to
2 the family and offered Minor kidneys. Well, from,
3 fortunately the child's kidneys did not fail yet and always
4 a, a baby on one of the floors had a bad heart so they're
5 donating his heart to that baby.

6 Detective Troxell: Okay.

7 Ms. Gorman: I, I don't know if that's how it
8 works immediately you're a waiting list or you're on a
9 list, you know, for all the states, I don't know how it
10 works, and so he said that he was down, he was down getting
11 a CAT scan to make sure all their organs, his organs were
12 functional and being able to be able to donate. And, of
13 course, you know me I said well as long as he's compatible,
14 and he's like he's compatible to everybody cause he's O
15 positive and I said, okay, I wouldn't know that, you know,
16 I'm not a doctor. And I got a message on my, you know,
17 Robert texted me and told me that Minor was on the news
18 and I went, oh, my gosh, so, of course, my, I told Richard,
19 my mom, Cesalee, and Richard were standing there, we were
20 outside the emergency room because I told them to meet me
21 there. I moved my car with all their stuff cause I was
22 leaving. I said I got information that Minor been on
23 the news. The first words out of his mouth was the
24 airport, picks up the phone calls his Master Chief and the
25 first thing out of his mouth is Master Chief Minor been

Detective Troxell - Direct Examination by Ms. Lively 733

1 on the news, they're telling everything, you know, what's
2 happened. I said, whoa, whoa, whoa, I said that is not
3 what I said. I said do not put words in my mouth. I said
4 I told you I heard he was on the news and that's it. When
5 I get home I'll find out and I'll call you back. Robert
6 told me, you know, because of how, you know, it keeps
7 getting words in mouths and saying things he says don't
8 call him back, so I would ask if you guys could let him
9 know how it got out, you know, public information, that
10 it's going to be, it's in the paper today because Robert
11 said every time I tell him something it seems like things
12 get twisted and I said, okay, so I let it be. I didn't
13 call him back and he said all it's doing is just creating
14 more problems.

15 And I have to respect that. And we stood there
16 for a while and we talked and we went through everything
17 and like I, you know, and before I got to the hospital ---
18 I picked my mom up and before I got to the hospital I
19 stopped because my mom knew and I told mom everything, you
20 know, from basically, you know, from the weekend on and how
21 he felt and everything and my mom cried and like I told
22 Cesalee and my mom and Richard I said he's in a, you know,
23 he's up in the clouds playing with Mikey and Nora, our pet
24 dog from when the kids were little.

25 Detective Weaver: Who's Mikey?

Detective Troxell - Direct Examination by Ms. Lively 734

1 Ms. Gorman: He was our dog.

2 Detective Weaver: Oh.

3 Ms. Gorman: You know, like Cesalee was little,
4 you know, we had him since she was five.

5 Detective Weaver: Right.

6 Ms. Gorman: So until she was sixth grade and so
7 from first grade to sixth grade he was our family dog.

8 Detective Weaver: Yeah.

9 Ms. Gorman: And we had him cremated and he's in
10 a box.

11 Detective Weaver: Yeah.

12 Ms. Gorman: And we buy flowers for him, put
13 them in the house, so and, you know, just to let her know
14 that he's playing fetch and Mikey will watch over him cause
15 Mikey was our, he was a good dog.

16 Detective Weaver: Yeah.

17 Ms. Gorman: And, of course, you know, to make
18 some things funny and I said and the turtle, too. And

19 like the turtle? And I said, oh, yeah, the
20 turtle drowned in the fish tank and so, you know, you had
21 to find some sense of humor. You had to find some things
22 to laugh about ---

23 Detective Weaver: Yeah, sure.

24 Ms. Gorman: --- you know, to get through it and
25 I said, you know, grandpa's there, you know, and --- but,

Detective Troxell - Direct Examination by Ms. Lively 735

1 you know, these people are now our family and his family
2 there's all kinds of people up there for him. And I told
3 them I said, and I told Cesalee and I told Richard he
4 doesn't look the same as what you saw yesterday. I said,
5 you know, he's more swollen and I described, you know, how
6 he looked and I said I want you to remember this, you
7 remember Minor as he is, not was or when, as he is not how
8 he looks because he, he ---

9 Detective Troxell: Julia, I hate to interject
10 but now that we've, we've kind of got to the point where
11 Minor is deceased. Before we talk and this is just
12 standard practice with everybody, we did it with Robert
13 earlier, you've got to be advised of your Miranda rights,
14 the investigation as, you know, has taken a turn into now a
15 death investigation.

16 Ms. Gorman: Okay.

17 Detective Troxell: Just an advisement standard
18 policy and procedure I've got to advise you of these.
19 These are an advisement of your Miranda rights. What I'm
20 going to do is I'm going to read each line to you and I
21 want you to initial beside each line.

22 Ms. Gorman: Okay.

23 Detective Troxell: Just indicating you
24 understand them, okay. "You have the right to remain
25 silent. Anything you say can and will be used against you

Detective Troxell - Direct Examination by Ms. Lively 736

1 in a court of law." You understand that?

2 Ms. Gorman: Yes.

3 Detective Troxell: Okay, put your initials
4 there. "You have the right to talk with a lawyer and have
5 him present while you're being questioned." Do you
6 understand that?

7 Ms. Gorman: Yes.

8 Detective Troxell: Put your initials there.
9 "If you cannot afford to hire a lawyer one will be
10 appointed to represent you before any questioning if you so
11 desire"?

12 Ms. Gorman: Yes.

13 Detective Troxell: Okay. "If you make a
14 statement or answer any questions you have the right to
15 stop at any time." Do you understand that?

16 Ms. Gorman: Yes.

17 Detective Troxell: Okay, then put your initials
18 there.

19 Ms. Gorman: I was just reading it, I'm sorry.

20 Detective Troxell: I'm sorry.

21 Ms. Gorman: You spoke fast.

22 Detective Troxell: You understand everything
23 that I've just read to you?

24 Ms. Gorman: Yes.

25 Detective Troxell: Okay, initial there. Do you

Detective Troxell - Direct Examination by Ms. Lively 737

1 want to answer my questions and continue to make a
2 statement and stuff?

3 Ms. Gorman: That's fine, I don't have anything
4 to hide.

5 Detective Troxell: Okay, initial, yes. It's
6 10:06, put 7-18 and the time there, okay, I'm sorry, I
7 didn't mean, you can ---

8 Ms. Gorman: That's, that's okay, I mean you got
9 to do what you got to do, too.

10 Detective Troxell: --- kinda get to the crux of
11 it because we're running time, we've got to get down to
12 Charleston. Monday, take us through the events of Monday.
13 I know you've already done all this one time before ---

14 Ms. Gorman: I knew that.

15 Detective Troxell: --- but our tape recorders
16 malfunctioned.

17 Ms. Gorman: Monday morning I got up 4:30,
18 quarter to five and it's on my side hit my alarm clock a
19 few times, getting ready, get dressed. I walk by his room,
20 I go in, I check on him, he's sleeping good, leave. I go
21 to work. Robert calls me 9 - 9:30 and says to me he woke
22 him up because he, he'd been asleep for a while and, you
23 know, that we're trying to get him out of sleeping so much,
24 of course, because of how she was and he goes, you know, he
25 was tired, you know, cranky. He fed him breakfast and

Detective Troxell - Direct Examination by Ms. Lively 738

1 called me again and told me he fed him lunch and he was in
2 there playing with his toys and everything. When I got
3 home he was taking a nap. I went in there and checked on
4 him.

5 Detective Troxell: What time did you get home?

6 Ms. Gorman: I want to say by four.

7 Detective Troxell: About four, so you ---

8 Ms. Gorman: Four fifteen, it just --

9 Detective Troxell: You left at five and got
10 back at four?

11 Ms. Gorman: Yeah.

12 Detective Troxell: Okay.

13 Ms. Gorman: But, by that time I, I don't know
14 it could be four, four-thirty.

15 Detective Troxell: Exactly, yeah, okay,
16 sometime between four and four-thirty.

17 Ms. Gorman: I can't, because, you know, traffic
18 and, you know, came home, walked in, and checked on him, of
19 course.

20 Detective Troxell: Right when you got home you
21 checked on him?

22 Ms. Gorman: Yeah.

23 Detective Troxell: And what was he doing when
24 you checked on him?

25 Ms. Gorman: He was still sleeping, you know,

Detective Troxell - Direct Examination by Ms. Lively 739

1 cause he was taking his nap and he takes a few hour nap,
2 you know, and he, he was breathing fine, everything was
3 fine. He had his blankie, so I walked out and a little bit
4 later when Robert and I were walking by, you know, going to
5 the bedroom we stopped and checked on him. I mean we check
6 on him periodically, still everything was fine. So I went,
7 you know, and cooked dinner and Robert says to me, what do
8 you want to do about Minor I said, let's eat dinner
9 first, you know, kinda peaceful instead of trying to feed
10 him and eat mine at the same time. So we ate and Robert
11 took the dog out and I went back in the bedroom to get him,
12 to wake him up, you know, because I was going to wake him
13 up now and that's when he was making the really strange
14 noises and slack looking, saliva.

15 Detective Troxell: And what time was that?

16 Ms. Gorman: By, by 6:00 I, I presume because it

17 --

18 Detective Troxell: So sometime between,
19 something happened between four and six-fifteen, didn't it,
20 because when you went in at six-fifteen he was salivating,
21 okay?

22 Ms. Gorman: Because, you know, when we checked
23 on him and everything, well I checked on him even after
24 four and he was fine so, so anywhere between dinner time,
25 you know, as we were eating dinner until by six, whatever

Detective Troxell - Direct Examination by Ms. Lively 740

1 time I called 911.

2 Detective Troxell: Okay.

3 Ms. Gorman: And that's on Robert's phone.

4 Detective Troxell: Okay.

5 Ms. Gorman: Cause I used his, it was the first
6 one I could grab.

7 Detective Troxell: While you're at work, who
8 cares for Minor

9 Ms. Gorman: Robert does.

10 Detective Troxell: Robert, does anyone come
11 over to assist Robert in caring for him?

12 Ms. Gorman: Nope.

13 Detective Troxell: Okay, so Robert was the only
14 one that had access to Minor all day Monday?

15 Ms. Gorman: Yes.

16 Detective Troxell: Okay, Sunday, what happened
17 on Sunday?

18 Ms. Gorman: Sunday, went to work because Robert
19 didn't work. Robert called me and said his Daddy was
20 coming over, you know, picked them up, him and Minor and
21 they were going over to his parents house.

22 Detective Troxell: What time did you have to go
23 to work on Sunday?

24 Ms. Gorman: I think I went to work at six.

25 Detective Troxell: You left your house at six

Detective Troxell - Direct Examination by Ms. Lively 741

1 or you got there at six?

2 Ms. Gorman: I got to work at six.

3 Detective Troxell: Okay.

4 Ms. Gorman: That means I leave my house at

5 5:15.

6 Detective Troxell: Okay.

7 Ms. Gorman: So he called me and told me he'd
8 fed him breakfast and they got him ready and everything,
9 got their bags together. His daddy came and picked them up
10 and they went over to his parents house and he called me
11 and to tell me that, you know, they were going to the pool
12 and stuff. I said, okay, you want me to get off now or,
13 you know, keep working because at my job or at least what I
14 do when I'm finished I can leave or I can stay and do other
15 things to make time. He goes, go ahead and leave, I said,
16 okay, so I left work, I got there about 1:00.

17 Detective Troxell: And you got there where,
18 Robert's parents house?

19 Ms. Gorman: Robert's parents house.

20 Detective Troxell: Okay.

21 Ms. Gorman: It was one or two, I can't remember
22 which time I clocked out, and I walked in the house and his
23 Mama was in there so, of course, I talked to her for a
24 minute and I asked where Robert and them were, and she
25 said, well they're at the pool with Paw Paw and Dylan,

Detective Troxell - Direct Examination by Ms. Lively 742

1 which is his dad, and I said, okay, and about, you know,
2 ten minutes later Paw Paw, Dylan, Robert, and Minor were
3 coming back and he goes I was waiting for you to come to
4 the pool and I looked at him, I said, who was in the house
5 ---

6 Detective Troxell: Yeah.

7 Ms. Gorman: --- you know what happens when
8 Mama's in the house, so, you know, he was a little cranky
9 and he was still tired, lethargic acting and, you know, I
10 said, there's something wrong, and I said, I'm going to
11 make him a doctor's appointment, you know, because my
12 thought was he, he might have a disability because of being
13 seventeen months and not talking very well maybe he was
14 slow and I wanted to check on that, you know. I was
15 concerned ---

16 Detective Troxell: Uh-huh.

17 Ms. Gorman: --- because if there was any mental
18 problems we could start a system cause Robert says can they
19 do that, and I said, absolutely, you know, I says young
20 childrens is when they go and find out their chromosomes
21 are in, you know, not together. He said, okay, you know,
22 and we fed him lunch. He had chicken and some okra and,
23 yuck, potato salad, some baked beans, and laid him down,
24 take a little nap, and he wouldn't go to sleep, he just
25 laid there with his eyes open, you know, kind of slit. He

Detective Troxell - Direct Examination by Ms. Lively 743

1 was so tired he wouldn't go to sleep, so put his bathing
2 suit back on and his mom and Dylan and Robert and I and
3 Minor we went back to the pool and he's in this baby tube,
4 you know, that way when he sits in it if he goes, leans
5 forward, you know, the face can't get in the water, if he
6 leans backwards there's a pillow behind him so they can't,
7 they can't go nowhere sideways or nothing, so I let him,
8 I'd hang on to the back and I'd swim with him, you know,
9 and then I would play with Dylan. Robert's playing with
10 Dylan, you know, and Gail would, you know, talk to Minor
11 and, and we'd, you know, he was right there by my side and
12 everything and he just sat there and, you know, most babies
13 would kick, love water, but he was just whatever. I put
14 some sunglasses on him, put a hat on him, you know, so I
15 could make sure the sun doesn't, you know, get sun burnt
16 and, you know, we put sun block on him, and I put, we put
17 water on his face. We like watered him on his face, you
18 know, to keep it cool and cause it's hot, it wasn't that
19 hot, but I mean just, you know, how it is even for us, so
20 we swam for a little bit and then we took him out of the
21 pool and I dried him off. We sat out there in the pool
22 area, you know, to kind of dry off our bathing suits. We
23 went back to the house. We changed our clothes and we
24 probably stayed about ten, twenty minutes longer, I guess,
25 we came home and fed him.

Detective Troxell - Direct Examination by Ms. Lively 744

1 Detective Troxell: When you say we, it was you,
2 Robert, and Minor

3 Ms. Gorman: Yeah, it was me, Robert, and
4 Minor

5 Detective Troxell: Okay.

6 Ms. Gorman: We left his parents house and we
7 came home, gave him something to eat and he was just, you
8 know, he was exhausted by now. The heat makes you tired,
9 you know, pool makes you tired, so we laid him down and he
10 went to sleep, that was Sunday.

11 Detective Troxell: Okay, Saturday, you have to
12 work Saturday?

13 Ms. Gorman: Yes, I did, it was my weekend to
14 work.

15 Detective Troxell: What time did you go in on
16 Saturday, six?

17 Ms. Gorman: No five.

18 Detective Troxell: What time did you get off?

19 Ms. Gorman: Three.

20 Detective Troxell: And, of course, Minor was
21 being cared for by Robert?

22 Ms. Gorman: Right.

23 Detective Troxell: When you got home at three
24 what happened?

25 Ms. Gorman: When I walked in the door, of

Detective Troxell - Direct Examination by Ms. Lively 745

1 course, Minor making his whine, whine, whine, you know.
2 It just gets louder when I get home, but that's just the
3 way he is, you know. If, if I walk in the door he starts,
4 I mean he, he, he makes noises but it just seems like when
5 a woman walks in it just gets more loud and he comes over
6 and he starts trying to climb up my leg and cause he wants
7 to be carried and we don't carry him because we were trying
8 to break a habit.

9 Sounds mean, sounds ugly but, you know, I can't
10 clean, cook, or do anything if I've got a baby hooked to
11 me, you know, so, you know, I grabbed his finger, you know.
12 He takes my finger and we walk around, you know, and I went
13 over to the toys and, you know, sit down and, you know,
14 talk to him and everything and, and cooked dinner, I can't
15 think what I cooked. No, I lied, we went to dinner because
16 I was so tired from working such long hours so I said we
17 got a gift certificate from T-Bones and so we drove to T-
18 Bones at Barefoot Landing and he was tired and cranky, he
19 just kept itching and itching and itching, so I gave him
20 some of his allergy medicine thinking, you know, maybe that
21 would help relieve the itching just as if I would take
22 Benadryl or something.

23 There was a waiting list so Robert stayed inside
24 the restaurant and Minor and I went walking around, you
25 know, just right there by the, the bucking bull, if that's

Detective Troxell - Direct Examination by Ms. Lively 746

1 what it's called, and the mechanical bull, and when we
2 would walk his, his leg would give out. His right leg gave
3 out so, of course, you know, your reaction is to grab the
4 little tiger so he don't fall and then, you know, he has
5 his toes curled and we walked some more and then his leg
6 gave out again. I was like did, did the nurse put the
7 shots in his --- did the nurse actually hit his muscle when
8 she was putting the shots in cause these shots didn't have
9 to go in his muscle. So we went back over to the
10 restaurant and I sat him in the rocking chair that's
11 outside and I laid him next to me and we were talking and
12 everything and he was just sitting there and we'd rock and
13 he'd make some, you know, a whiny noise and I'd say, you
14 know, stop and Robert would look out the window cause he
15 was sitting right there and I said, well let's go inside.
16 You want, you want some Apple Jacks cause we brought some
17 Apple Jacks for him. So we went inside and he kept
18 bothering his leg so Robert was sitting here, Minor was
19 sitting here, I was sitting here, so I had put my hand
20 right here on his leg so he couldn't mess with his boo boo,
21 so his head was like laying right here on my shoulder and
22 he just, you know, being irritable, you know, he's
23 teething, what, you know, and that, and he bit me, and I
24 was just like, what? That's the first time he's ever bit
25 me since he's bit there, been there because before Cesalee

Detective Troxell :- Direct Examination by Ms. Lively 747

1 left he bit her, slapped her, head butted her, and we were
2 just like you can't do those things, you know, head butting
3 and stuff you'll get a concussion and she said well Richard
4 allowed him to do it. I was like you guys can't do that.
5 I said because then he goes running against things with his
6 head, you know, cause it's okay to do, and you're telling
7 him, no, you know, you can't do that. It's owwie's, you'll
8 get hurt, you know, go in the kitchen, get him out of the
9 kitchen, this is hot, you know, the stove, I'm cooking hot,
10 grease, and come get him, you know, and so we did that, ate
11 some dinner, and he was so tired and so I laid him down on
12 the bench, you know, next to me and he went to sleep, and
13 after we ate dinner, picked him back up, about 9:00 I
14 guess, which is, you know, 8:30, 9:00 is his bedtime. So
15 we were out, you know, late for him, got back in the truck,
16 put him in his car seat, drove home, changed his diaper and
17 laid him back down to go to sleep.

18 Detective Troxell: Okay, Ms. Gorman, you came
19 to, became to be the primary caregiver of Minor when your
20 daughter Cesalee came here, right, she signed over
21 temporary guardianship to you July 1st?

22 Ms. Gorman: Right.

23 Detective Troxell: And she returned back to
24 Arizona sometime shortly thereafter like the second, I
25 believe?

Detective Troxell - Direct Examination by Ms. Lively 748

1 Ms. Gorman: The next day.

2 Detective Troxell: Okay, and since that time
3 there's been no one else that has cared for or provided for
4 Minor other than you and Robert?

5 Ms. Gorman: Right, and our neighbors one time
6 babysat him.

7 Detective Troxell: And that was a couple of
8 days right after, like the 4th, 5th, or 6th of July?

9 Ms. Gorman: Right, right.

10 Detective Troxell: So after say the 6th of July
11 there's no one Minor has been alone with?

12 Ms. Gorman: No, just me and Robert.

13 Detective Troxell: Just you and Robert, okay,
14 and, Julia, I'm going to cut to the chase. That's the
15 problem we're having, you know, we talked to the doctors.
16 We've spent every day since Tuesday in Charleston. You may
17 not have seen us but we've been in Charleston and we know
18 when Minor was injured. We can scientifically and we can
19 medically prove when Minor was injured, okay, and the
20 reason for me bringing that up and the necessity of that is
21 it wasn't Cesalee and we can prove beyond a shadow of a
22 doubt that it wasn't Cesalee, so to get to the gist of your
23 last statement being Robert and I, which one was it? If
24 something happened and it was an accident or something got
25 a little bit out of control now is the time we need to put

Detective Troxell - Direct Examination by Ms. Lively 749

1 it on the table cause as you said it's already, it was in
2 the paper today.

3 Ms. Gorman: Right.

4 Detective Troxell: Today's headline was "Abused
5 Child Dead," tomorrow's headline is "Arrest Made in Abused
6 Child Death." Do you get what I'm saying?

7 Ms. Gorman: Yeah.

8 Detective Weaver: It's not adding up, Julie?

9 Ms. Gorman: I've, but I've told you everything.
10 We've told you everything.

11 Detective Troxell: And here, here's the other
12 part I have with you, Julia, that's the first tear I've
13 seen from you. Robert sat here and bawled when he told
14 that story. When you're confronted with going to jail then
15 you start tearing up and I've got and now the tears are
16 gone. This is serious, okay, your life at this point is
17 changed. Your life was changed on Monday. The decisions
18 you make in this room with me and Weaver now are going to
19 affect you from this point forward. It determines if you
20 go home today or not or if you go to the jail. Something
21 happened, we know it did, like I said we can prove it.

22 Ms. Gorman: Okay, I understand that, but I've
23 never laid a hand on him. I've never, I've never ---

24 Detective Troxell: You ---

25 Ms. Gorman: --- abused him. Yes, I've smacked

Detective Troxell - Direct Examination by Ms. Lively 750

1 him on the butt, you know, with his diaper on and I have
2 admitted to that. I've smacked his hands, I've admitted to
3 those things.

4 Detective Troxell: Right.

5 Ms. Gorman: But I have never hurt him.

6 Detective Troxell: The explanations that were
7 given for Minor s injuries, and correct me if I'm wrong --
8 -

9 Ms. Gorman: Okay.

10 Detective Troxell: --- I don't want to put
11 words in your mouth, were the bulldog puppy may have
12 knocked him over, correct?

13 Ms. Gorman: Right, right.

14 Detective Troxell: The, the stroller going
15 backwards down the steps but he never fell out of the
16 stroller and hit the steps, correct?

17 Ms. Gorman: Right.

18 Detective Troxell: Falling off the bed?

19 Ms. Gorman: Right.

20 Detective Troxell: Which is only eighteen
21 inches off the ground?

22 Ms. Gorman: Right.

23 Detective Troxell: And hitting the carpeted
24 floor?

25 Ms. Gorman: Well that's, you know, that's what

Detective Troxell - Direct Examination by Ms. Lively 751

1 we're being told now, you know, but we don't know if there
2 was a toy, well, yeah, she said he hit a toy.

3 Detective Troxell: Okay, so even a less than
4 eighteen inches fall into a toy?

5 Ms. Gorman: Okay.

6 Detective Troxell: And what else?

7 Ms. Gorman: She texted me and said he kicked,
8 crawled out of it or he got out of it, the playpen.

9 Detective Troxell: We ran everyone of those by
10 Dr. Abel, who by her own title is ---.

11 Ms. Gorman: The forensic.

12 Detective Troxell: There you go, Forensic
13 Medical Director of the Violence Intervention and
14 Prevention Center, and she said there ain't no way in hell.
15 Something violent happened to ^{Minor} whether it was
16 accidental or malicious is what we need to get to the
17 bottom to and if it was accidental put it out on the table,
18 let us know so we can go that route with it.

19 Ms. Gorman: I, my heart is racing a thousand
20 miles a minute. I never laid a hand on, on my grandson.

21 Detective Weaver: Tell us what happened, Julie?

22 Ms. Gorman: I'm telling you.

23 Detective Weaver: Tell us what happened?

24 Detective Troxell: No, you're not, you're not
25 telling us.

Detective Troxell - Direct Examination by Ms. Lively 752

1 Ms. Gorman: What do you want?

2 Detective Weaver: If it was an accident we need
3 to know; we need to know what happened?

4 Ms. Gorman: Well I, but I, I didn't do anything
5 to, to my grandson. Robert didn't do anything to our
6 grandson, you know, there's a time ---

7 Detective Troxell: So Minor skull just
8 magically cracked in three spots.

9 Ms. Gorman: I, I, I, oh, my God.

10 Detective Troxell: It couldn't, by your own
11 statement, it couldn't have been anybody else but you or
12 Robert, so who was it? Was it you, was it Robert? Did
13 Robert do something and he told you and you don't want to
14 tell us?

15 Ms. Gorman: No.

16 Detective Troxell: Then it was you?

17 Ms. Gorman: No, no, no.

18 Detective Troxell: Look, Julie, the, the skull
19 fractures didn't just appear there. They, something caused
20 it?

21 Ms. Gorman: I understand that. You --

22 Detective Weaver: And they're fresh.

23 Ms. Gorman: I mean, I, you know --

24 Detective Weaver: They're fresh, Julie.

25 Ms. Gorman: You know there's a moment that, you

Detective Troxell - Direct Examination by Ms. Lively 753

1 know, of our, you know, if our dog knocked him over again.

2 Detective Troxell: Nope, ran that by, not
3 possible.

4 Ms. Gorman: There is no way in, and I'm sorry,
5 no way in hell we would hurt a child. I've never hurt any
6 of my children and I'm not going to hurt anybody else's
7 child, I wouldn't ---

8 Detective Troxell: Okay.

9 Ms. Gorman: --- do that.

10 Detective Troxell: I, I, let's play a little
11 scenario game here, okay? Let's pretend we're in a
12 courtroom cause this is where this is going to end up
13 going, okay?

14 Ms. Gorman: Okay.

15 Detective Troxell: Cause tomorrow's headline is
16 going to read "Couple Arrested in Child's Death."

17 Ms. Gorman: Okay.

18 Detective Troxell: Do you know who the couple
19 is?

20 Ms. Gorman: Yes, me and Robert.

21 Detective Troxell: There you go. You're on the
22 right track with me, okay, so we're sitting in a courtroom
23 six, eight, nine months down the road from now. You got a
24 judge, you've got the jury of twelve of your peers sitting
25 to your left, okay, and I'm representing this case and it's

Detective Troxell - Direct Examination by Ms. Lively 754

1 not going to be me and Weaver on the stand saying we
2 believe this is what happened, we believe this. It's going
3 to be the medical director of the Intervention and
4 Prevention of Child Abuse, Dr. Abel, on the stand saying
5 there ain't no way in hell that this happened twelve or
6 three or four weeks ago with Cesalee, that this happened in
7 the time frame that we've discussed, okay, because we know
8 when it happened, that's why we were discussing the time
9 frame that we're discussing. I'm not going to tell you the
10 date that I know it happened or the hour ---

11 Ms. Gorman: Right.

12 Detective Troxell: --- that I know it happened,
13 but I know it happened in those days that we discussed and
14 the doctor is going to say, no way, it can't happen at,
15 okay?

16 Ms. Gorman: Okay.

17 Detective Troxell: Well, thank you, Doctor, for
18 your testimony. Doctor, or Detective Troxell, who was in
19 care and custody and control of the child? Well by their
20 own statement it was Robert and Julie.

21 Ms. Gorman: Right.

22 Detective Troxell: Okay, what do you think
23 it's, how long do you think it's going to take a jury of
24 twelve or your peers to say you're guilty?

25 Ms. Gorman: I've seen it on t.v. and I, I don't

Detective Troxell - Direct Examination by Ms. Lively 755

1 know if ---

2 Detective Troxell: And ---

3 Ms. Gorman: --- it is --

4 Detective Troxell: Sweetheart, this isn't t.v.,
5 this is real life, this is the rest of your life you're
6 playing with.

7 Ms. Gorman: I, I know, I mean all I've ever
8 known, I, I've never --

9 Detective Troxell: How long do you think ---

10 Ms. Gorman: I've never been in --

11 Detective Troxell: --- it's going to take for
12 me to get a guilty verdict on you?

13 Ms. Gorman: Seconds.

14 Detective Troxell: There you go.

15 Ms. Gorman: Seconds.

16 Detective Troxell: And you know what's going to
17 happen. You're not, there's not a bit of remorse coming
18 from you, you're fine, until now you're crying ---

19 Ms. Gorman: No, you don't understand.

20 Detective Troxell: --- because you're going to
21 jail.

22 Ms. Gorman: I'm sitting here and you're ---

23 Detective Troxell: Are you, are you a cold-
24 blooded killer?

25 Ms. Gorman: No.

Detective Troxell - Direct Examination by Ms. Lively 756

1 Detective Troxell: Did you cold-bloodedly kill
2 your seventeen-month-old grandkid?

3 Ms. Gorman: No.

4 Detective Troxell: Then what the hell happened
5 to him?

6 Ms. Gorman: I don't know.

7 Detective Troxell: Yes, you do.

8 Ms. Gorman: No, I don't.

9 Detective Troxell: Yes, you do.

10 Ms. Gorman: No, I don't.

11 Detective Troxell: Now is the time ---

12 Ms. Gorman: I swear.

13 Detective Troxell: --- to come in ---

14 Ms. Gorman: I swear.

15 Detective Troxell: --- and put it on the table.

16 Ms. Gorman: I swear to God.

17 Detective Troxell: Did you kill your grandson?

18 Ms. Gorman: No, I did not.

19 Detective Troxell: Because that's what it looks
20 like, sweetheart, and you're going to jail for it.

21 Ms. Gorman: I didn't do nothing.

22 Detective Troxell: You can't convince me of it,
23 you can't convince your damn self of it. You killed your
24 grandbaby.

25 Ms. Gorman: No, I didn't.

Detective Troxell - Direct Examination by Ms. Lively 757

1 Detective Troxell: Yes, you did. Now it's time
2 to come to grips with it. Let's own up and let's cross the
3 bridge and let's handle it.

4 Ms. Gorman: I'm not going to admit to something
5 I didn't do.

6 Detective Troxell: Okay, well then don't admit
7 to it cause I've already proven it. I don't need you to
8 admit it. I'm giving you the opportunity to explain
9 yourself, the opportunity to give me why it happened, how
10 it could have happened, what explanation do you have, and I
11 have nothing. When I can prove that there was something,
12 that's not going to fly, and like you said it's going to
13 take me seconds, seconds. That's fine. Shake your head,
14 I, I don't know.

15 Ms. Gorman: I, I ---

16 Detective Troxell: Something happened.

17 Ms. Gorman: --- I don't know.

18 Detective Troxell: If it was accidental tell
19 us.

20 Ms. Gorman: I wish I could tell you if there
21 was something that happened but I'm telling you the truth,
22 I'm telling you the truth.

23 Detective Troxell: Go ahead, Weaver, I'm just
24 about done with this.

25 Detective Weaver: Julie, Julie, look at me.

Detective Troxell - Direct Examination by Ms. Lively 758

1 Ms. Gorman: I, can I take my medicine, is that
2 okay?

3 Detective Weaver: No, I need you to talk to me,
4 it's very important, Julie. You need to tell me what
5 happened. It wasn't, listen to me, if it was an accident
6 you need to tell me?

7 Ms. Gorman: Detective Weaver, if there was
8 something that happened I would tell you if I hurt my
9 grandson.

10 Detective Weaver: Julie, something happened.

11 Ms. Gorman: I would tell you.

12 Detective Weaver: Evidence is saying something
13 happened.

14 Ms. Gorman: I understand that.

15 Detective Weaver: Okay, did you have a bad day
16 at work? Did you come home from work ---

17 Ms. Gorman: No.

18 Detective Weaver: --- things got out of hand
19 maybe?

20 Ms. Gorman: No.

21 Detective Weaver: You and Robert had a fight,
22 maybe you took it out on Minor

23 Ms. Gorman: No.

24 Detective Weaver: Accidentally?

25 Ms. Gorman: No.

Detective Troxell - Direct Examination by Ms. Lively 759

1 Detective Weaver: Something happened?

2 Ms. Gorman: No, I would never, Robert and I
3 haven't argued.

4 Detective Weaver: Why?

5 Ms. Gorman: I'm not lying to you, I swear to
6 you I'm not lying to you.

7 Detective Weaver: Maybe you didn't mean to do
8 it, Julie, but it happened.

9 Ms. Gorman: I didn't do it, I did not hurt my
10 grandson. I have never ever picked him up angry, you know
11 ---

12 Detective Weaver: Never.

13 Ms. Gorman: --- or anything like that, you
14 know. I get frustrated, which anybody would, but I've
15 never grabbed him, moved him, shoved him.

16 Detective Weaver: Julie, something had to
17 happen, I mean the evidence doesn't lie.

18 Ms. Gorman: I understand that.

19 Detective Weaver: The medical evidence doesn't
20 lie.

21 Ms. Gorman: I understand that. You know, he,
22 he's not in our height, in our sight a hundred percent of
23 the time, you know, he may go to the bedroom. He may walk,
24 our dog is free to roam the house, I, I --

25 Detective Weaver: Dr. Abel discredited all

Detective Troxell - Direct Examination by Ms. Lively 760

1 that, it didn't happen. Cesalee didn't do. It's fresh, it
2 just happened. We know exactly when it happened.

3 Ms. Gorman: I, I understand.

4 Detective Weaver: This is very, this is the
5 most important day in your life.

6 Ms. Gorman: I understand.

7 Detective Weaver: I promise you.

8 Ms. Gorman: And I'm telling you everything.

9 Detective Weaver: If it's an accident we need
10 to know.

11 Ms. Gorman: I understand.

12 Detective Weaver: I don't, I don't think you're
13 a cold-blooded killer, but I think something happened, I
14 know it happened.

15 Ms. Gorman: I never laid a hand on him, I've, I
16 never would do that, I wouldn't do that.

17 Detective Weaver: I don't believe you and I,
18 you know I --

19 Ms. Gorman: I wouldn't do something like that,
20 I know, no, I wouldn't do anything like that. I have three
21 children and I've never hurt my children ever, no.

22 Detective Weaver: You sure about that?

23 Ms. Gorman: Yes, I respect my kids, yes, I've
24 never abused my children. I've I, they've never gone to
25 the doctors or hospital because of ---

Detective Troxell - Direct Examination by Ms. Lively 761

1 Detective Weaver: You sure?

2 Ms. Gorman: Yes, the only time my, my kids have
3 been in the hospital is because my son, when he was little,
4 he was across the street and his Dad was sitting on the
5 steps and there was a, a man that was standing, Kyle had
6 went behind the man and the man didn't know he was there
7 and he stepped back, my son fell. Robert took, Rob took
8 him to the hospital immediately and had him checked.

9 Another time, I can give you every one, I was
10 going for an interview at Mervyn's. My friend had come
11 over to watch my son. Her and her son and my son were
12 playing, they bumped heads in the front. My son went limp,
13 you know, he fell, you know, on, on, we had some futon and
14 stuff right there, called 911. We, I drove with him to the
15 hospital and everything. The third time we were in
16 Virginia. We walked, I was taking them to the day care and
17 I walked from the day care later to the bus stop, there was
18 ice on the road, I held on to my kids ---

19 Detective Weaver: All right, let's get back to
20 Minor okay.

21 Ms. Gorman: Okay, but I'm letting you know that
22 these are the only things that ever happened to my
23 children. You know when Cesalee was in Washington she was
24 outside playing ---

25 Detective Weaver: You know, do you think Robert

Detective Troxell - Direct Examination by Ms. Lively 762

1 had something to do with it?

2 Ms. Gorman: No, no, and I swear to you, no.

3 Detective Weaver: Julie, it's either you or
4 Robert.

5 Ms. Gorman: We didn't do anything.

6 Detective Weaver: You can't say ---

7 Ms. Gorman: Oh, my God.

8 Detective Weaver: We can't say it was the dog.
9 We can't say it was the, the stair, the stairs. We can't
10 say that, we can't, we can't say that, the doctors can't
11 say that.

12 Ms. Gorman: I, I understand that, I understand
13 that, but we wouldn't hurt him. We wouldn't hurt him. I
14 know we wouldn't hurt him. I know we didn't hurt him. I
15 swear on my life. I, I'll swear to God and I don't swear
16 to him.

17 Detective Weaver: I don't believe you. I
18 believe something happened and, Julie, this is very
19 important today because once we walk out of this room today
20 there's going to be no more opportunities, if it was an
21 accident people understand that.

22 Ms. Gorman: I understand it, too.

23 Detective Weaver: If you got angry, everybody
24 gets angry.

25 Ms. Gorman: I know but it, I ---

Detective Troxell - Direct Examination by Ms. Lively 763

1 Detective Weaver: I mean everybody gets angry,
2 everybody, things, things happen, people get out of
3 control, it happens. It doesn't mean you're a bad person.

4 Ms. Gorman: I know that.

5 Detective Weaver: It just means that it
6 happened.

7 Ms. Gorman: I understand.

8 Detective Weaver: But you've got to take
9 responsibility for it.

10 Ms. Gorman: And I will take responsibility.

11 Detective Weaver: It's not, let me tell you
12 something, it's going to look a lot better if you say,
13 yeah, it was an accident. I lost my temper, I lost my mind
14 for a minute, okay. It happened but when we get on there,
15 like Troxell said we get up there, how do you think it's
16 going to say, she's a cold-blooded killer.

17 Ms. Gorman: I know.

18 Detective Weaver: How long do you think it's
19 going to take?

20 Ms. Gorman: Seconds, like I told you.

21 Detective Weaver: Right, but if it was an
22 accident, you lost your cool, you had a bad day, you had a
23 fight with Robert, something happened. We know, we know
24 something happened, there's no disputing that. We need to
25 find out what happened.

Detective Troxell - Direct Examination by Ms. Lively 764

1 Ms. Gorman: I swear to you like I told both of
2 you, I'm trying to calm down now and not scream and yell,
3 I'm sorry, I'm yelling, you know.

4 Detective Weaver: It's all right.

5 Ms. Gorman: I'm sure it's very frustrating for
6 ya'll. This is, I'm overwhelmed now and because this is
7 happening and I'm telling you, I swear to you we never hurt
8 my grandson. I don't know, arguing, frustration, whatever,
9 I have never manhandled my grandson. Robert has never
10 manhandled my grandson. I'm telling you this from my
11 heart, my soul, I, I, we, I didn't ---

12 Detective Weaver: Would you, the last couple of
13 days what have you been talking about, you and Robert?
14 Didn't, didn't you all discuss how, how this could happen
15 to Minor.

16 Ms. Gorman: I'm sorry?

17 Detective Weaver: Didn't you all discuss, you,
18 you and Robert, didn't, the last couple of nights, since
19 Monday, weren't you all bouncing it back to each other what
20 happened to him? I don't know what happened to him, tell
21 me what happened?

22 Ms. Gorman: Yes, we, we had ---

23 Detective Weaver: Which?

24 Ms. Gorman: We don't, we ---

25 Detective Weaver: What did you all talk about,

Detective Troxell - Direct Examination by Ms. Lively 765

1 what happened to him?

2 Ms. Gorman: And that's what we'd ask. We, we,
3 were dumbfounded, we just, we don't know. We don't know,
4 we had no answers for each other, Just, you know, he, he
5 he, all we know is he wasn't feeling good, you know, so I
6 made an appointment for, for Tuesday for him to go to the
7 doctor's because Monday I was, you know, I couldn't get him
8 there Monday afternoon, you know, cause it was, it was too
9 soon.

10 Detective Weaver: And that, that's what I'm
11 saying, Julie, I don't think you're a bad person. You
12 brought that baby here, you take, you took, you're taking
13 care of him. You take, you're, you took him to doctor's
14 appointments. You've tried, I, I know you love this baby.
15 I know something happened. I, I mean you were trying to do
16 the right things and take care of him but something
17 happened when you got angry, you got upset, things got out
18 of control. It happens all the time but I need you to tell
19 me that, otherwise you're going to go to jail as a, as a
20 cold-blooded killer; you understand what I'm saying?

21 Ms. Gorman: Yes, I do.

22 Detective Weaver: It looks a lot better if you,
23 if something happened to set you off other than they look
24 at you like a calculated cold-blooded killer that killed
25 her grand, grandson; you understand what I'm saying?

Detective Troxell - Direct Examination by Ms. Lively 766

1 Ms. Gorman: Yes, I understand what you're
2 saying.

3 Detective Weaver: But it does, it doesn't add
4 up for me cause I know you've tried to care for this kid.
5 You've, you've ---

6 Ms. Gorman: I have, I mean ---

7 Detective Weaver: You've tried to take him to
8 the doctor.

9 Ms. Gorman: We've taken, we did in here.

10 Detective Weaver: You've fed, you've bathed
11 him, okay, I know you're a, I know you didn't mean to hurt
12 him but something happened and you need to take
13 responsibility right now, right here and now.

14 Ms. Gorman: I didn't, I've told you everything.
15 I've taken responsibility for my actions, I did not hurt my
16 grandson.

17 Detective Weaver: I don't believe you.

18 Detective Troxell: What do you think is going
19 to happen from this point forward, Julie?

20 Ms. Gorman: I'm not going home.

21 Detective Troxell: Okay, and tomorrow we're
22 going to attend the autopsy of seventeen-month-old Minor
23 and one thing we're going to do, we're gonna, we're going
24 to have physical evidence because now we can actually get
25 in and physically examine the skull cap, which is where

Detective Troxell - Direct Examination by Ms. Lively 767

1 he's been injured, okay, and we're going to have
2 photographs. There's going to be a doctor that's going to
3 be able to hold Minor skull up in court and see the
4 cracks in his skull and be able to testify that there's no
5 way a bulldog puppy knocked him over and caused all these,
6 these skull fractures and these breaks in his skull.
7 There's no way a fall from a, a bed that's seventeen inches
8 off the ground could have caused this. Every explanation
9 you've offered the doctor is going to be there, an expert,
10 who's going to be there and say there's no way, we can't do
11 it. I mean, imagine you've got a china bowl and you drop
12 it from here it might be a little stress, a little stress
13 fracture. You drop it from here and the crack's going to
14 get a little bit bigger, you drop it from up here the damn
15 things going to break.

16 Ms. Gorman: Right, I understand.

17 Detective Troxell: And that's what we're
18 looking at, that's something from up here.

19 Ms. Gorman: I never dropped him. I've never
20 dropped him ever, I'm just --

21 Detective Troxell: Something happened.

22 Ms. Gorman: I'm, I'm going through my brain
23 right now.

24 Detective Troxell: Okay.

25 Ms. Gorman: Let ---

Detective Troxell - Direct Examination by Ms. Lively 768

1 Detective Troxell: Well take your time, we'll
2 step out if you want and ---

3 Ms. Gorman: No, you don't have to do that.

4 Detective Weaver: We need some kind of
5 explanation, did ---

6 Ms. Gorman: I'm telling you.

7 Detective Troxell: Well then explain it to us,
8 give us something that caused Minor to no longer be with
9 us?

10 Ms. Gorman: I wish I could.

11 Detective Troxell: Because I can tell you what
12 I'm going to read to, what Dr. Abel's going to read in
13 court. "History given by Robert and MGM," that's maternal
14 grandmother, "of recent minor, the bulldog puppy and fell
15 three steps in a stroller, comma, does not explain this
16 child's clear recent head injury," okay?

17 Ms. Gorman: Right.

18 Detective Troxell: "And this is due to
19 radiological appearance of blood in the head seen in
20 radiographs and x-rays." That's what's going to be read,
21 and I mean we've got no other adult could have been around,
22 could it?

23 Ms. Gorman: No, there's no other adults in the
24 home. All there was, was Robert, me and the day Robert and
25 I went out and Tony and Erica came to our house cause we

Detective Troxell - Direct Examination by Ms. Lively 769

1 asked them to come to our house because it was --

2 Detective Troxell: But that wasn't within the
3 last couple of days and that was ---

4 Ms. Gorman: I understand that.

5 Detective Troxell: --- weeks ago.

6 Ms. Gorman: But I'm, you know, they came to our
7 house and watched him there because, you know, they can put
8 him in his bed instead of us coming home and carrying him
9 from there to here cause it was raining. He, the only
10 other places he's been, you know, besides us taking him out
11 to eat is Robert took him over to his parent's house and we
12 all went swimming, came home, and we laid him on the bed,
13 never dropped him in his bed, never, never just threw him
14 anywhere.

15 Detective Troxell: Robert never has lost his
16 temper? I mean he has no ties to Minor it's not his kid.

17 Ms. Gorman: No.

18 Detective Troxell: I mean, it's like, it's kind
19 of been thrown in, into the mix of all this and he's, he's
20 just your boyfriend. He's got to now watch a child that he
21 didn't help create, who's the child of someone he doesn't
22 really like too much, hasn't heard anything good about.

23 Ms. Gorman: Right, that's all he's heard is,
24 you know, what I've told him. I mean --

25 Detective Weaver: And he didn't think it was a

Detective Troxell - Direct Examination by Ms. Lively 770

1 good idea for them to come from the get go?

2 Ms. Gorman: And he didn't, he didn't.

3 Detective Weaver: I mean do you think it's
4 possible that maybe he had something to do with it?

5 Ms. Gorman: No, I mean he just, he ---

6 Detective Weaver: He's got a pretty good, he's
7 got a bad temper, doesn't he?

8 Ms. Gorman: Robert?

9 Detective Weaver: Yeah.

10 Ms. Gorman: No.

11 Detective Weaver: No?

12 Ms. Gorman: No, he's actually very even
13 tempered.

14 Detective Weaver: I was misinformed?

15 Ms. Gorman: No, I mean, I mean we've, we have
16 our arguments but he doesn't have a bad temper, you know,
17 he's never laid a hand on me ever, you know.

18 Detective Troxell: Well every logical
19 explanation ---

20 Ms. Gorman: He's never physically hurt me, you
21 know.

22 Detective Weaver: You don't think it was him?

23 Ms. Gorman: No. Robert and I have been
24 together about four years and I and that was one of my, my
25 things, a man touched me I would leave because I have

Detective Troxell - Direct Examination by Ms. Lively 771

1 already been through that once and I refuse to be
2 physically abused by a man and, or be cheated on because of
3 some things that happened to me in the past.

4 Detective Troxell: Okay, so you've just said,
5 and there's no way in your mind it could have been Robert?

6 Ms. Gorman: No.

7 Detective Troxell: Okay, so out of the two
8 possible, no one in your mind, that leaves you.

9 Ms. Gorman: I understand that.

10 Detective Troxell: So tell us what happened.
11 Something happened, Julie, something happened in that
12 house.

13 Ms. Gorman: Well, what is your name? I can't
14 even remember.

15 Detective Troxell: Tim.

16 Ms. Gorman: Tim. Tim, I'm looking at you and,
17 you know that, how much sleep I got, you know, I've been at
18 that hospital every day until yesterday evening when I left
19 because I felt, because I can't, and the rest of my family
20 can be there and have their time, I came home. Robert and
21 I didn't discuss it, you know, I told him, we talked about,
22 he told me about what was on the news and we went out for a
23 little bit, you know, just to unwind because it's just been
24 so stressful, we came home, went to bed.

25 Detective Troxell: We, it's been the same for,

Detective Troxell - Direct Examination by Ms. Lively 772

1 we've been in Charleston, you may not have seen us.

2 Ms. Gorman: I know, I know.

3 Detective Troxell: But we've been there.

4 Ms. Gorman: That's what he said, you know, you
5 guys have said, I mean I wasn't, no one said I looked for
6 ya'll or anybody else. I didn't, I never looked behind my
7 shoulders to see if anybody was watching me or anything,
8 you know, because I'm not, I'm not guilty. If I was, if
9 you're guilty you're constantly looking over your
10 shoulders, you know, you're, you're looking constantly. I
11 don't have that, I was there trying to hear. When you,
12 when I talked to you and you said that you wanted to, you
13 knbw, talk to me today, you know, I didn't expect it to be
14 so early but, you know, I just stuck my phone in the living
15 room and, you know, Robert said someone is at the door. We
16 got up ---

17 Detective Weaver: That's why, that's why ---

18 Ms. Gorman: --- be right there ---

19 Detective Weaver: I think it was an accident.

20 Ms. Gorman: --- you know.

21 Detective Weaver: I'm trying to give you an out
22 here. I don't think you killed him cold-bloodedly, okay.

23 Ms. Gorman: No.

24 Detective Weaver: I know you've been to the
25 hospital. You've been there from, from since Monday. I

Detective Troxell - Direct Examination by Ms. Lively 773

1 know you, I know you've been there for him, you feel bad
2 what happened.

3 Detective Troxell: I'm going to get you some
4 tissue.

5 Detective Weaver: You tried to care for him.

6 Ms. Gorman: Thank you, please, thank you.

7 Detective Weaver: All right, Julie, you hear
8 what I'm saying?

9 Ms. Gorman: I understand it, just ---

10 Detective Weaver: I mean, I know even
11 afterwards, I mean you've been there for him and you, and I
12 truly believe you, you feel bad what happened, but come on,
13 everything leads back to you. You had the care. I need
14 you to tell, I need you to give me something. I need you
15 to give me something, you've got to tell me what happened?

16 Ms. Gorman: All I know is my dog had knocked
17 him down, that's all I know.

18 Detective Weaver: Julie, Julie.

19 Ms. Gorman: I swear to you.

20 Detective Weaver: That is not possible.

21 Ms. Gorman: I know, I mean --

22 Detective Weaver: I promise you, I wish it was,
23 but that's not possible. I need you to tell me what
24 happened. We've talked before, right? I believe you, I
25 believe you. I, I, I never, listen to me, look at me.

Detective Troxell - Direct Examination by Ms. Lively 774

1 Since he came, since Cesalee left and you took care of him

2 ---

3 Ms. Gorman: Yes, sir.

4 Detective Weaver: --- you made sure he went to
5 the doctors.

6 Ms. Gorman: Yes, sir.

7 Detective Weaver: You made sure he was fed.

8 Ms. Gorman: Yes.

9 Detective Weaver: You put him in bed, you cared
10 for him.

11 Ms. Gorman: Yes, yes.

12 Detective Weaver: I know that.

13 Ms. Gorman: Yes.

14 Detective Weaver: Right?

15 Ms. Gorman: Yes.

16 Detective Weaver: But something happened along
17 the way, I don't know, I need you to fill in the blanks for
18 me and I know you feel bad what happened to him because
19 you've been at the hospital. You've been there for the
20 little guy, you've been there, you put lotion on him. You
21 feel bad what happened to him, but you can't change what
22 happened.

23 Ms. Gorman: And you're right, I can't change
24 what happened to him.

25 Detective Weaver: Right, but you can tell me,

Detective Troxell - Direct Examination by Ms. Lively 775

1 you can tell me what happened. You can explain what
2 happened, if it was an accident we need to know because
3 you're going to jail for murder. You need to tell me what
4 happened. I can't help you if you don't help me.

5 Ms. Gorman: All I know is, all I know is ^{Minor}
6 went and picked up Binkie, which is that big stuffed animal
7 and Logan knocked him down.

8 Detective Weaver: Julie.

9 Ms. Gorman: Lo ---

10 Detective Weaver: Julie, that's not possible,
11 look at me. Do you want me to help you?

12 Ms. Gorman: I want you to help me.

13 Detective Weaver: Do you want me to help you?

14 Ms. Gorman: I do, this is the ---

15 Detective Weaver: Probably nobody ever helps
16 you, do they? You've been doing everything on your own all
17 these years, haven't you?

18 Ms. Gorman: Yes, sir.

19 Detective Weaver: Yeah, I'm here to help you,
20 but I can't help you unless you tell me what happened. I
21 can't be on your side until you tell me what happened. I
22 can, I can go to the jury. I can go to the Solicitor, I
23 can tell them it was an accident but I need you to tell me
24 that. I need you tell me that it was an accident, whether,
25 whether you just lost your temper, whatever happened. I

Detective Troxell - Direct Examination by Ms. Lively 776

1 need you, I need something, I need you, I need you to work
2 with me. I need you to work with me so I can work for you.
3 You understand what I'm saying? Right now you're giving me
4 nothing. You're giving me nothing. It just doesn't seem
5 possible. Nobody's going to believe, nobody's going to
6 believe it.

7 Ms. Gorman: I understand that.

8 Detective Weaver: Listen, I'm going to give you
9 a few minutes to think about it. I, believe it or not,
10 look at me, look at me, believe it or not I'm here to help
11 you.

12 Ms. Gorman: I know you are and ---

13 Detective Weaver: I'm on your side.

14 Ms. Gorman: --- and I believe you.

15 Detective Weaver: I'm on your side but you've
16 got to give me something to work with. You've got to help
17 me. I'll be right back. I need to go to the, use the
18 restroom. I'll give you a few minutes to think about it.

19 (Whereupon, Detective Weaver exits the interview
20 room.)

21 Ms. Gorman: Why is all this happening? I
22 didn't do anything. He went to go get Blinkie, Logan came
23 to the crate and knocked him down. That's the only thing I
24 can think of and I, and I remember it, that's it. I keep
25 being called a liar --- a liar.

Detective Troxell - Direct Examination by Ms. Lively 777

1 (Whereupon, Detective Troxell enters the
2 interview room.)

3 Ms. Gorman: I need to take my medicine. That's
4 all I know, Lord, help me. I didn't, I never hurt any of
5 my children. I can take my medicine?

6 Detective Troxell: Do you have medicine on you?

7 Ms. Gorman: Yes.

8 Detective Troxell: Okay, you don't have any
9 guns or anything in your purse, do you?

10 Ms. Gorman: No.

11 Detective Troxell: Good, feel free to take your
12 medicine.

13 Ms. Gorman: I don't carry of that stuff.

14 Detective Troxell: Let me see it before you
15 take it real fast, make sure you're, you're not taking
16 illegal drugs.

17 Ms. Gorman: I take one.

18 Detective Troxell: Okay.

19 Ms. Gorman: I take it twice a day.

20 Detective Troxell: Like I said this is, we're
21 trying to give you and Robert a opportunity to explain what
22 may of, what could of and ultimately what did happen?

23 Ms. Gorman: I understand that.

24 Detective Troxell: I mean ---

25 Ms. Gorman: I understand.

Detective Troxell - Direct Examination by Ms. Lively 778

1 Detective Troxell: --- we both agree something
2 happened, right?

3 Ms. Gorman: I understand, yes, I understand.

4 Detective Troxell: Okay.

5 Ms. Gorman: I understand all that.

6 Detective Troxell: And I told you we're going
7 to have the physical evidence of the skull, in addition the
8 jury is going to see these pictures. They're going to look
9 at these pictures, Minor staring up looking like that
10 while you're standing vigil over his bed. If he could have
11 moved would he have cried? I mean he's the last one, he
12 knows what happened to him.

13 Ms. Gorman: I understand.

14 Detective Troxell: Okay, unfortunately he's not
15 here to speak for himself.

16 Ms. Gorman: I know that.

17 Detective Troxell: So he's got now a team
18 Detective Weaver, myself, the other guys we work with and
19 the medical staff at MUSC, we're speaking for him now.

20 Ms. Gorman: Right.

21 Detective Troxell: But if he had been able to
22 that day in the hospital would he have grunted like he did
23 and pointed at you and to him?

24 Ms. Gorman: He wouldn't have pointed at me and
25 Robert.

Detective Troxell - Direct Examination by Ms. Lively 779

1 Detective Troxell: He wouldn't have?

2 Ms. Gorman: No, I'm certain we did not hurt my
3 grandbaby. This is my blood, this is, this is, this is my
4 grandbaby. I didn't treat him as my grandson. I treated
5 him as my baby as if I gave birth to him.

6 Detective Troxell: And we're not disputing for
7 one second you cared for him. You fed him, you clothed
8 him, bathed him, kept him, took him to the doctor, did
9 everything that you could but at some point something bad
10 happened and we know that and we just agreed that at some
11 point something bad happened.

12 Ms. Gorman: But we agreed but I can't tell you
13 what, you know? All I know is that you keep telling me,
14 you keep telling me that it's not possible. The only thing
15 I know is that one time ^{Minor} went and I remember it all,
16 he went over to the crate got Binkie, Logan knocked into
17 him.

18 Detective Weaver: Not possible, Julie.

19 Ms. Gorman: I know that, I understand all that,
20 but in the bathtub, he's never fallen in the bathtub. I,
21 I've picked him up out of the bathtub, have never dropped
22 him.

23 Detective Troxell: Well, well let's take
24 falling away.

25 Ms. Gorman: He's never slipped and falled [sic]

Detective Troxell - Direct Examination by Ms. Lively 780

1 even on the floor of the bathroom.

2 Detective Troxell: Okay.

3 Ms. Gorman: Because we have carpet down.

4 Detective Troxell: Well let's, let's take
5 falling out of the equation, let's say Minor didn't fall?

6 Ms. Gorman: Okay.

7 Detective Troxell: Another explanation for it
8 is that he was shook.

9 Ms. Gorman: No, I've never shook him, never
10 shook him. Shake a baby, no, no, I, I, no.

11 Detective Troxell: Well I, I guess we're going
12 to agree to disagree on that because ---

13 Detective Weaver: What about, what about
14 Robert?

15 Ms. Gorman: No.

16 Detective Weaver: Does he get frustrated?

17 Ms. Gorman: No, Robert has better patience than
18 I do to be honest with you, and he, you know, I walk out of
19 the house because Minor was whining and stuff because it's
20 just, it's ---

21 Detective Troxell: It gets to you?

22 Ms. Gorman: Well he, he and, you know ---

23 Detective Weaver: That's what I'm saying.

24 Ms. Gorman: --- and I've told you he, I go
25 outside because the whining and crying I just, it's non

Detective Troxell - Direct Examination by Ms. Lively 781

1 stop but I go outside or I send him to his room. Robert
2 takes Minor you know, outside with him a lot even though
3 he's still, you know, whining and crying and he just walks
4 him around, you know, and it doesn't faze him, you know,
5 you know, he's just, we just figured it was separation from
6 his mama and everything but, no.

7 Detective Weaver: That's what I'm saying, maybe
8 you had a bad day at work, maybe a fight with Robert, you
9 picked him up, he was whining, you got a little frustrated
10 and you shook him a little hard?

11 Ms. Gorman: I don't think hard, I don't believe
12 I ---

13 Detective Weaver: Is it possible?

14 Detective Troxell: But it's possible that you
15 could have done that, is it?

16 Detective Weaver: Look, look at the little guy.

17 Detective Troxell: It's possible, isn't it?

18 Ms. Gorman: I, I don't want to see him no more.

19 Detective Weaver: Look at the little guy,
20 doesn't he deserve, doesn't he deserve to know what
21 happened to him?

22 Detective Troxell: It's, it's possible you just
23 said it's possible you could have got a little frustrated,
24 is it not, Julie?

25 Ms. Gorman: I don't know anymore.

Detective Troxell - Direct Examination by Ms. Lively 782

1 Detective Troxell: You, you ---

2 Ms. Gorman: I did not hurt my family.

3 Detective Troxell: You didn't intentionally
4 cause any harm to your grandson, we know that. You are a
5 caring grandmother that took your grandbaby to the doctor,
6 fed him and clothed him.

7 Detective Weaver: And that's what we want to be
8 able to tell people that this was an accident, you got a
9 little frustrated.

10 Ms. Gorman: I, I, I never, I don't believe I've
11 ever shook him.

12 Detective Troxell: But it's possible you could
13 have?

14 Detective Weaver: Did you get aggravated?

15 Detective Troxell: Is it not?

16 Detective Weaver: Or you don't remember?

17 Ms. Gorman: No.

18 Detective Weaver: Maybe, maybe you got angry,
19 you don't remember, you lost, lost control for a little bit
20 and shook him?

21 Ms. Gorman: No.

22 Detective Weaver: Is it possible?

23 Detective Troxell: And we're not saying ---

24 Ms. Gorman: I don't know.

25 Detective Troxell: --- is ---

Detective Troxell - Direct Examination by Ms. Lively 783

1 Detective Weaver: It is possible.

2 Ms. Gorman: I don't know, I don't know, it's
3 possible.

4 Detective Weaver: Look at the little guy.

5 Ms. Gorman: I don't want to see them no more.

6 Detective Weaver: He deserves to know what
7 happened to him.

8 Ms. Gorman: Please, I, I don't want to see
9 those.

10 Detective Weaver: Julie, I can't help you if
11 you don't talk to me.

12 Ms. Gorman: I'm telling you I don't know.

13 Detective Weaver: I'm here for you, but I can't
14 help you ---

15 Ms. Gorman: I know, I know.

16 Detective Weaver: --- if you don't talk to me.
17 We need to know what happened. You know me, we've been
18 through, I've, I've known you for four days now?

19 Ms. Gorman: And I ---

20 Detective Weaver: I believe you're a good
21 person.

22 Ms. Gorman: I ---

23 Detective Weaver: And you know I'm here for
24 you.

25 Ms. Gorman: I know.

Detective Troxell - Direct Examination by Ms. Lively 784

1 Detective Weaver: But I can't help you if you
2 don't talk to me, I can't.

3 Ms. Gorman: I don't recall if I sh -- shook
4 him, okay, I don't.

5 Detective Troxell: Is it completely in the
6 realm of possibility?

7 Detective Weaver: Julie, it happens.

8 Ms. Gorman: Well I, you know what, excuse me,
9 I'm sorry, I didn't mean to spit.

10 Detective Weaver: Please, Julie, just tell me.

11 Ms. Gorman: You know what I wish?

12 Detective Weaver: I can't help you.

13 Ms. Gorman: I don't know if I shook him hard, I
14 don't know, I don't.

15 Detective Troxell: Let me just ---

16 Ms. Gorman: I don't, I don't even recall it.

17 Detective Troxell: Let me just say ---

18 Ms. Gorman: I don't recall shaking him at all.

19 Detective Troxell: --- what you just said.

20 Ms. Gorman: I know what I said.

21 Detective Troxell: I don't think I shook him
22 hard.

23 Ms. Gorman: Right, I know what I said.

24 Detective Troxell: That you shook him easy.

25 Ms. Gorman: But I don't think I, you know how

Detective Troxell - Direct Examination by Ms. Lively 785

1 you play with them and but I don't, I know what I said.

2 Detective Troxell: So ---

3 Ms. Gorman: I know what I'm saying to you.

4 Detective Troxell: --- so you're starting to
5 remember. It, it's possible that you shook him, maybe not
6 meaning to hurt him at all because there's not a mean bone
7 in your body, you didn't mean to hurt him?

8 Ms. Gorman: I know I wouldn't hurt him.

9 Detective Troxell: You didn't want to hurt him,
10 you didn't want this to happen.

11 Ms. Gorman: No one would wish this on their
12 worst enemy. I wouldn't, I wouldn't wish this on anybody.
13 I wouldn't wish this on anybody. God Almighty, my life has
14 just been so ---

15 Detective Weaver: You've had a hard road,
16 Julie. I know, I know, but things are hitting rock bottom
17 right now.

18 Ms. Gorman: Oh, my God.

19 Detective Weaver: But I promise you I'm here to
20 help you. I'm here with you, but I need to know. I need
21 you to remember. I need you to tell me because I can't go
22 to the jury and say she killed him, the doctors will tell
23 you she killed him, I need to tell them why, I need ---

24 Ms. Gorman: I didn't do that.

25 Detective Weaver: I need, I need to have them

Detective Troxell - Direct Examination by Ms. Lively 786

1 see this side of you that, that you took care of the little
2 guy, that you're sorry that you, you didn't mean for it to
3 happen. But I can't do it unless you tell me?

4 Ms. Gorman: I understand that, I understand
5 that, I understand that, all I, I don't know. I really
6 don't know if I shook him hard, if I did I would tell you
7 and, and ---

8 Detective Weaver: That's what happened, isn't
9 it?

10 Ms. Gorman: I don't know.

11 Detective Weaver: You do know.

12 Ms. Gorman: Honestly, Detective.

13 Detective Weaver: Julie?

14 Ms. Gorman: I swear to God.

15 Detective Weaver: Julie, you're almost there,
16 tell me the truth.

17 Ms. Gorman: I would if I could.

18 Detective Weaver: Tell me the truth, you'll
19 feel so much better.

20 Ms. Gorman: I wish, look at me, I'm broken. I
21 have been honest. I've, I've told you everything I've
22 done. I feel I've told you everything I've done from the
23 bottom of my heart, my soul, I was gonna sit down and write
24 everything down.

25 Detective Weaver: Do you want to do that?

Detective Troxell - Direct Examination by Ms. Lively 787

1 Would it be easier for you?

2 Ms. Gorman: No, I don't think, I mean
3 everything that has happened, you know, because I, you
4 know, from the time it all, from Monday to now the, the
5 things that I said I felt that if I wrote it down because
6 of all the statements and everything that it was, it's not,
7 you know, when, when I talked to you yesterday and I
8 thought about all the things I was being told I was going
9 to go home and write it out.

10 Detective Troxell: Uh-huh.

11 Ms. Gorman: I was so exhausted that I just, I
12 needed a break just for myself just to, just to put
13 everything in, you know, when my friends asked me last
14 night, how's he doing, we didn't tell them that he, that he
15 passed away. I just, I just wanted a break just to, just
16 to ---

17 Detective Troxell: What did you do to take a
18 break? Did you go anywhere?

19 Ms. Gorman: We went to Beef O'Brady's and we
20 went to Fatz, shot some pool. We went to Beef O'Brady's
21 first and I spoke to Kim, I spoke to Sam, Meg, and Jessica.

22 Detective Weaver: This was last night?

23 Ms. Gorman: Yeah.

24 Detective Weaver: Was this after we spoke?

25 Ms. Gorman: Oh, yeah.

Detective Troxell - Direct Examination by Ms. Lively 788

1 Detective Weaver: And we talked about what,
2 eight or 9:00 last night?

3 Ms. Gorman: Yeah, we did because I got home,
4 took a shower and everything and we left. I told Robert
5 and we, let's just go out, you know.

6 Detective Weaver: Julie, look at me. I'm going
7 to have to cut you off, time's running out, dear. I need
8 to know what happened, if you want me to help you and stand
9 beside you and help you.

10 Ms. Gorman: I want to tell you exactly.

11 Detective Weaver: I want you to tell, I want
12 you to tell.

13 Ms. Gorman: What do you want me to tell you?

14 Detective Weaver: Julie, I want you to tell me
15 that you were angry, that you had a bad day, that you shook
16 him, you didn't mean to, I mean, I know I've already done
17 the background on you. I know you've had a hard life. I,
18 I know you didn't mean to do this.

19 Ms. Gorman: A background won't reveal anything
20 on me, I've never ---

21 Detective Weaver: I'm not talking about
22 arrests.

23 Ms. Gorman: No, I was going to say I don't have
24 anything on my record.

25 Detective Weaver: No, no, I'm not talking about

Detective Troxell - Direct Examination by Ms. Lively 789

1 that. I've talked to people that know you, I know what
2 kind of person you are.

3 Ms. Gorman: You, I mean I have had a rough life
4 and I admit it.

5 Detective Weaver: Exactly.

6 Ms. Gorman: But you know what?

7 Detective Weaver: But this was an accident.

8 Ms. Gorman: I still took care of my kids and
9 I've taken care of Minor

10 Detective Weaver: I understand that, but this
11 was an accident, but time's running out. I can't help you.
12 It, I'm the only one that can help you.

13 Ms. Gorman: If, if I shook him I swear to you I
14 don't believe I shook him hard, you know. I don't think I
15 have that much, I don't know.

16 Detective Weaver: But what, but --

17 Ms. Gorman: That's the only explanation I got,
18 I'm sorry.

19 Detective Weaver: But when you get angry you
20 don't know, you don't know you snapped but you did shake
21 him?

22 Ms. Gorman: I never picked him up when I was
23 angry, you know.

24 Detective Weaver: Oh.

25 Ms. Gorman: I know.

Detective Troxell - Direct Examination by Ms. Lively 790

1 Detective Weaver: Julie, I, I can't help you
2 if you're not going to sit there and help me. I mean I'm
3 just ---

4 Ms. Gorman: I know I picked him up, but I don't
5 think I did it hard. I can't tell you if I did-but I have
6 shaken him but I, I don't know if I shook him hard. I don't
7 know if I ---

8 Detective Weaver: You sure, you didn't, you
9 sure out of anger, maybe you had a fight with Robert
10 something, something? I, I, how am I supposed to go and
11 help you and say ---

12 Ms. Gorman: I know.

13 Detective Weaver: --- yes, she thinks she shook
14 him but she don't know it was real hard. I want to see you
15 take responsibility, yeah, you made a mistake, it was an
16 accident. You didn't mean for it to happen but this is
17 what happened. Let's make it better, and I'll be here to
18 help you make it better but I can't do it if you're not
19 going to be totally honest with me. I can't do, Julie.

20 Ms. Gorman: I ---

21 Detective Weaver: I can't fabricate.

22 Ms. Gorman: I'm not asking you to fabricate. I
23 don't want you to fabricate. I don't want you to, I don't
24 want people to put words in my mouth. I don't want, I
25 don't want, oh, my God.

Detective Troxell - Direct Examination by Ms. Lively 791

1 Detective Weaver: I'm running out of options,
2 I don't know how.

3 Ms. Gorman: I understand.

4 Detective Weaver: I don't know how to help you.

5 Detective Troxell: Julie?

6 Ms. Gorman: Yes, sir?

7 Detective Troxell: Can you show me when you
8 shook him easy how you did it?

9 Ms. Gorman: I went like this.

10 (Whereupon, Ms. Gorman demonstrates.)

11 Detective Troxell: Like that?

12 Ms. Gorman: Yes.

13 Detective Troxell: Okay.

14 Ms. Gorman: And I, I don't know if that's hard
15 or anything.

16 Detective Troxell: Okay, when was this?

17 Ms. Gorman: I, I can't keep the date.

18 Detective Troxell: But you, you shook him?

19 Ms. Gorman: Yes, I believe it.

20 Detective Weaver: Was, was it Monday when you
21 came home from work; did you have a bad day?

22 Ms. Gorman: No, no, I didn't.

23 Detective Weaver: How about Sunday?

24 Ms. Gorman: No, I mean work is work.

25 Detective Troxell: What was the --

Detective Troxell - Direct Examination by Ms. Lively 792

1 Detective Weaver: We're, you just frustrated
2 with him because --

3 Ms. Gorman: It was just --

4 Detective Weaver: I mean I know it's
5 frustrating.

6 Detective Troxell: Y ---

7 Ms. Gorman: I was frustrated with him because,
8 you know, what I mean, I mean I just feel like I'm this bad
9 person.

10 Detective Troxell: By no means you're not a bad
11 person. We've sat here and tried to tell that for an hour.

12 Ms. Gorman: I know you have.

13 Detective Troxell: We don't, we're not here to
14 pass judgment on you. We're not here to, to think, wow,
15 what a horrible person.

16 Ms. Gorman: I feel like I've been judged since
17 day one.

18 Detective Weaver: No.

19 Detective Troxell: Not at all.

20 Detective Weaver: Julie, listen to me, if I
21 thought that, do you think I'd be sitting here trying to
22 help you right now?

23 Ms. Gorman: No, and I know ---

24 Detective Weaver: I can, I guarantee --

25 Ms. Gorman: --- that, I know you guys believe

Detective Troxell - Direct Examination by Ms. Lively 793

1 me.

2 Detective Weaver: I, I ---

3 Ms. Gorman: And I know you believe him, I know
4 you guys do.

5 Detective Weaver: I'd be out the door in a
6 heart, in a heartbeat and just go by what we have, okay,
7 but I'm trying to get, you're, we're here for you. This is
8 your opportunity to tel your side of the story, okay, this
9 is, this is for Julie.

10 Detective Troxell: We've been ---

11 Ms. Gorman: My work is my work, I leave it
12 there, you know. I might be there for hours, you know,
13 fixing problems and trying, you know, I mean, you know,
14 what I do. I work in a cash office. I count money all day
15 long. We have a new program, we're a day behind because we
16 count day before, you know, yesterday's stuff.

17 Detective Weaver: Right.

18 Ms. Gorman: So we have to learn a new program,
19 so I'm at work a little bit longer because of the fact that
20 the system's changed. I have to go from one desk to
21 another desk to find answers and go back and try to fix
22 things. I work long, I was working long hours, I mean I
23 did, you know --

24 Detective Weaver: Was it maybe you were just
25 frustrated because he ---

Detective Troxell - Direct Examination by Ms. Lively 794

1 Ms. Gorman: But Monday I, I never touched him
2 Monday.

3 Detective Troxell: Let's, let's go back. We'll
4 get that out of the way. Don't worry about that, is that
5 normally how you carry him was like that? When you carry
6 him, can you show me how you normally carry him?

7 Ms. Gorman: I carry him like this when I do or
8 sometimes like this.

9 (Whereupon, Ms. Gorman demonstrates.)

10 Detective Troxell: Okay.

11 Ms. Gorman: Sometimes it's on my hips so I can
12 lean sideways but or I carry him up here.

13 Detective Troxell: When you held him in front
14 of you what were you doing? Where were you at?

15 Ms. Gorman: W ---

16 Detective Troxell: But like we were saying we,
17 we've been working this thing and wanted to get you an
18 opportunity to explain yourself. We had information from
19 the doctor's on Tuesday. We could have just said to hell
20 with it on Tuesday and left the hospital with you and
21 Robert and, and gone to jail.

22 Ms. Gorman: Right.

23 Detective Troxell: But we want to give you the
24 opportunity to tell us what happened in your own words and,
25 and show us and explain to us why this might have happened

Detective Troxell - Direct Examination by Ms. Lively 795

1 and to let us know that, you know, I, I didn't
2 intentionally do anything to harm my grandson.

3 Ms. Gorman: I, I would never hurt him, God, I
4 would never hurt him.

5 Detective Weaver: Not on purpose.

6 Ms. Gorman: No.

7 Detective Weaver: Not on purpose.

8 Ms. Gorman: No.

9 Detective Troxell: Maybe that day he was just
10 crying and just --

11 Ms. Gorman: I guess, I don't know.

12 Detective Weaver: Julie, I, I like you that's
13 why I'm taking this time to help you. I like you, I think
14 you're a good person. Not too many grandmothers would take
15 their grandchild and take, and take him from their daughter
16 and take him to the doctor. You got him shots, you got the
17 little guy shots. He was having problems with a headache
18 you took him to the emergency room, right?

19 Ms. Gorman: Yes, yes.

20 Detective Weaver: Right. They gave him,
21 remember they gave him a popsicle when he was throwing up?

22 Ms. Gorman: Yes, yes.

23 Detective Weaver: Not too many ---

24 Detective Troxell: And that was the first time
25 you had seen him when he since he was born, right?

Detective Troxell - Direct Examination by Ms. Lively 796

1 Ms. Gorman: Yes.

2 Detective Troxell: You had never seen him
3 before?

4 Ms. Gorman: No.

5 Detective Weaver: Not too many grandmothers
6 would do that. You since this happened you've been at the
7 hospital every day, forty hours, no sleep. I know you're a
8 good person, that's why I'm taking this time with you, but
9 if you can't help me I can't help you. I need to know what
10 happened. If you got angry and you shook him accidentally
11 it looks a lot better than that you hurt him on purpose.
12 Do you understand what I'm saying?

13 Ms. Gorman: Yes.

14 Detective Weaver: We're running out of time,
15 Julie, if you want me to help you.

16 Ms. Gorman: I never come home angry from work,
17 I don't. I will say that, you know, because work is, work
18 is work, he cries every day, he's cranky every day, whines
19 every day.

20 Detective Troxell: And on top of that you,
21 he's, he's your grandbaby but he's also a bit of a burden
22 you don't want.

23 Ms. Gorman: He's not a burdensome, you, just,
24 he's not a burden.

25 Detective Troxell: And I don't mean it in a bad

Detective Troxell - Direct Examination by Ms. Lively 797

1 way, but he, he's actually changed your lifestyle a little
2 bit. You're used to doing, you and Robert are doing what
3 you want to do when you want to do it, but now you've got
4 to care for a baby. He ---

5 Ms. Gorman: But that was a choice I made. I
6 was willing to change, sacri--, you know.

7 Detective Troxell: And you did, you made the --

8 -
9 Ms. Gorman: And it is a sacrifice ---

10 Detective Weaver: You made those sacrifices.

11 Ms. Gorman: --- you know, to change:---

12 Detective Weaver: Because of him, Julie.

13 Ms. Gorman: --- you know.

14 Detective Weaver: You were frustrated because
15 you didn't know what to do for the little guy, that's what
16 happened.

17 Ms. Gorman: No.

18 Detective Weaver: You were frustrated. You,
19 the little guy's crying, whimpering, you got frustrated
20 with yourself and it just happened. You shook him but you
21 weren't upset with him, it was you. You were upset, you
22 were kind of frustrated that you didn't know how to help
23 the little guy; isn't that possible? I mean in like ---

24 Ms. Gorman: Yes, that's possible.

25 Detective Troxell: How long after you shook him

Detective Troxell - Direct Examination by Ms. Lively 798

1 was the seizures?

2 Ms. Gorman: I didn't, I never, Monday when I
3 picked him up was when I picked him up out of the bed was
4 the only time I picked him up Monday. He was asleep when I
5 left, when I came home he was taking his nap, checked on
6 him. We checked on him again and he was still napping. By
7 6:00, like I said, I went in there to go wake him up to,
8 you know, feed him dinner. He was making that strange
9 noise and the saliva, I picked him up out of the bed. I
10 leaned him over my arm because I didn't know if he was
11 choking or if he was going to throw up because I didn't
12 want him to choke on it. That's what I did, I whipped him
13 over my arm, okay, that's what I did.

14 Detective Troxell: Okay, you were trying to
15 provide care for him then.

16 Ms. Gorman: You know.

17 Detective Troxell: You've done everything in
18 your power, everything you possibly could.

19 Ms. Gorman: You know, it --

20 Detective Weaver: What was it like?

21 Ms. Gorman: You know just, I mean we have him
22 on videotape, you know, the noises he makes but this is
23 when I'm not home.

24 Detective Weaver: Yeah.

25 Ms. Gorman: And so take that and you intensify

Detective Troxell - Direct Examination by Ms. Lively 799

1 it.

2 Detective Troxell: Usually when you get him he
3 gets louder, yeah?

4 Ms. Gorman: Yeah, so it intensifies louder.

5 Detective Troxell: Okay.

6 Ms. Gorman: So Robert, but Robert did it so he
7 could say that, you know, when you're not here this is how,
8 you know, he's not as loud, you know, as when you are here,
9 you know, just that he was, I'm not trying to be a jerk,
10 you know, cause I was like, damn, every time I walk in the
11 house. I'm going outside ---

12 Detective Weaver: And ---

13 Ms. Gorman: --- and as soon as I walk outside
14 he stops crying.

15 Detective Weaver: Right.

16 Ms. Gorman: You know, I'd sit on the porch,
17 smoke a cigarette, you know, and then as soon as I'd walk
18 back in he'd start, start it all over.

19 Detective Weaver: All right.

20 Ms. Gorman: So he comes ---

21 Detective Weaver: That's, that's how he is.

22 Ms. Gorman: --- grabs my leg, you know, and
23 takes his foot and tries to climb up my leg, and, no, you
24 know, stop ---

25 Detective Weaver: I've got stuff to do.

Detective Troxell - Direct Examination by Ms. Lively 800

1 Ms. Gorman: --- you know, I've got to cook
2 dinner. You want to eat, don't you, you know, I got to
3 cook dinner, you know. It's not that Robert can't cook
4 cause he can, I just, I'm the woman I guess, I don't know.
5 It's my job, my duty, I guess it's a job duty but, you
6 know, but I provide for Minor to make sure he has a good
7 healthy balanced meal.

8 Detective Weaver: Sure, I know how that is.

9 Ms. Gorman: And that we have a good healthy
10 balanced meals as well. I mean we don't eat junk. We
11 don't buy t.v. dinners, you know, or any of that crap, you
12 know, picked him up, "stop," put him back down, took him by
13 his fingers as usual.

14 Detective Troxell: And then walked him to his
15 bedroom.

16 Ms. Gorman: Walked him to his room and I
17 stopped at the door, "go to your bed," because we didn't
18 want the portacrib to be punishment because I didn't want
19 him to think every time he went into the portacrib he,
20 because he was between bedtime and naptime.

21 Detective Troxell: Bedtime and naptime.

22 Ms. Gorman: So we used the other bed as, you
23 know, to go sit down on cause I don't want that because you
24 know, you, I didn't want that. I didn't want him to be
25 confused because he's been confused, you know, with his

Detective Troxell - Direct Examination by Ms. Lively 801

1 Mama and everything.

2 Detective Weaver: Where was Robert at when --

3 Ms. Gorman: He could have been outside, he
4 could have been in the back room, but he wasn't in the room
5 with me.

6 Detective Weaver: Did Minor stop crying after
7 that or did he cry more?

8 Ms. Gorman: He didn't cry any, any, you know,
9 any differently.

10 Detective Weaver: Yeah.

11 Ms. Gorman: It was still the same noises.

12 Detective Weaver: Yeah.

13 Ms. Gorman: And he doesn't shed tears or
14 anything.

15 Detective Weaver: No?

16 Ms. Gorman: When I took him to the room I
17 stopped at the door and he goes in and he still looks at
18 you and whines and cries but I walk away and went back to
19 cook dinner and then walked back there. I believe I walked
20 back there and said, you ready to come out, no crying, you
21 know, we're not going to cry no more.

22 Detective Weaver: Right.

23 Ms. Gorman: And he'll start right, you know,
24 take a deep breath and, you know, he'd start again ---

25 Detective Weaver: Right.

Detective Troxell - Direct Examination by Ms. Lively 802

1 Ms. Gorman: --- come out, play with the toys.
2 I'd sit down on the floor with him, you know. He, he wants
3 to lean on me, he wants to try and crawl in my lap, you
4 know, those are all the things that he did with his mother,
5 you know ---

6 Detective Weaver: Right.

7 Ms. Gorman: --- until she got ---

8 Detective Weaver: Right.

9 Ms. Gorman: --- tiresome of it then she'd shove
10 him away. You know he would be confused why one minute I
11 can do it and ---

12 Detective Weaver: Right.

13 Ms. Gorman: --- then I can't, so we, you-know,
14 we are, I was just trying to break these habits ---

15 Detective Weaver: Sure.

16 Ms. Gorman: --- you know, so when he went home
17 to his mother, you know, she, she'd be able to handle him,
18 you know.

19 Detective Weaver: Right.

20 Ms. Gorman: It wouldn't be such, you know, a
21 tiresome thing for her for, you know, she's frustrated.

22 Detective Weaver: Right.

23 Ms. Gorman: She's angry, she doesn't know what
24 to do, and here I'm trying to break all these habits, you
25 know, and make him a fresh little boy ---

Detective Troxell - Direct Examination by Ms. Lively 803

1 Detective Weaver: Yeah.

2 Ms. Gorman: --- good boy, so when she got well,
3 you know, and everything ---

4 Detective Weaver: That's what I'm saying,
5 you're just, you ---

6 Ms. Gorman: --- got well, and she could take
7 care of her son.

8 Detective Weaver: That's what I'm saying,
9 you're trying to do the right thing. It just got out of
10 hand. How hard did you shake him?

11 Ms. Gorman: I don't think any harder than that.

12 Detective Weaver: Julia, you had to. Come on,
13 it's just me and you talking?

14 Ms. Gorman: I know.

15 Detective Weaver: We've got a good rapport.

16 Ms. Gorman: I understand that.

17 Detective Weaver: And I like you, I think you
18 like me, tell me?

19 Ms. Gorman: I do, I ---

20 Detective Weaver: You had to shake him more
21 than that, medical evidence said you did. People don't ---

22 Ms. Gorman: I don't think I went like this,
23 that would ---

24 (Whereupon, Ms. Gorman demonstrates.)

25

Detective Troxell - Direct Examination by Ms. Lively 804

1 Detective Weaver: Nobody's going to believe me,
2 nobody's going to believe me.

3 Ms. Gorman: You.

4 Detective Weaver: When I try and tell them
5 that.

6 Ms. Gorman: I never extended my arms out. I,
7 you can't, I can't do that. I don't know, it's always my
8 arms are here, he's here. I, I don't know, I can sit here
9 all day and do this, I don't know how hard or anything, I
10 just, oh, my God.

11 Detective Weaver: Hang in there, I'll get you.

12 Ms. Gorman: Detective Weaver, I'm telling you,
13 I can't tell you how hard.

14 Detective Weaver: Tell me, Julie.

15 Ms. Gorman: That's it, that's what I'm telling
16 you.

17 Detective Weaver: Come on, his injuries say
18 different.

19 Ms. Gorman: I understand what you guys are ---

20 Detective Weaver: His injuries ---

21 Ms. Gorman: --- telling me.

22 Detective Weaver: His injuries are different,
23 you have to ---

24 Ms. Gorman: I've never, I've never dropped him,
25 never, never.

Detective Troxell - Direct Examination by Ms. Lively 805

1 Detective Weaver: How do you explain those
2 injuries then?

3 Ms. Gorman: I can't.

4 Detective Weaver: He's got a fractured head.

5 Ms. Gorman: I know that.

6 Detective Weaver: How, how am I supposed to
7 help you? How am I supposed to say, yes, all she did was
8 just shake him? He's got a fractured head. How am I, who,
9 who's going to believe me? You need to tell me what
10 happened, time's running out, Julia. I'm not, you know, I
11 like you, I want to help you, but if, if you're going to
12 sit there and not tell me what, what happened, you know,
13 I'm not going to make stuff up for you.

14 Ms. Gorman: I don't want you to make stuff up
15 for ---

16 Detective Weaver: You've got to tell me what
17 happened?

18 Ms. Gorman: I don't want you to make up stuff
19 for me.

20 Detective Weaver: Okay.

21 Detective Troxell: It was an accident, that's
22 neither here nor there. Did we discuss what Robert, was he
23 not there? Did you tell him, toss it back around on the
24 ride home from Charleston, you know?

25 Ms. Gorman: No.

Detective Troxell - Direct Examination by Ms. Lively 806

1 Detective Troxell: So Robert has no idea that
2 this ever transpired?

3 Ms. Gorman: No. No, Robert doesn't even know,
4 you know, what my daughter told you what Richard said that
5 the baby died in my arms. I couldn't tell him that because
6 that's devastating and I felt I couldn't tell him and I'm
7 not going to tell him that.

8 Detective Troxell: Tell him?

9 Ms. Gorman: What Richard had said because I
10 don't know because like everything Richard said to me, what
11 I'm being told is a lie. you know, I caused him to leave
12 her and I'd say, well Richard says this and he goes he's
13 not, just like when you guys came to my house and he had
14 said that you guys were charging me.

15 Detective Troxell: We hadn't met with him ---

16 Ms. Gorman: I know.

17 Detective Troxell: --- Richard.

18 Ms. Gorman: You know and you guys said, and you
19 were just like what, what the hell, you know, and I
20 remember what you said, you know, in your eyes and I could
21 see it in you guy's eyes just the, you know, where is this
22 coming from, you know, I, I, you know, you can read things,
23 too. And when called I told him again what you had said
24 that you better do your job, you know, you better, that you
25 don't get days off and such and so on, and I knew then even

Detective Troxell - Direct Examination by Ms. Lively 807

1 before because you guys had told me we have not saw him
2 personably, we're not going to release any information
3 until we can identify him and everything else. But I was
4 doing what I felt was right by calling you and letting you
5 all know what I'm being told ---

6 Detective Troxell: Yeah.

7 Ms. Gorman: --- you know.

8 Detective Troxell: Uh-huh.

9 Ms. Gorman: Everything I've been told, I'm sad,
10 too, and I mean, and grieving or not grieving, hell I
11 haven't ever been able to cope. I haven't even got over my
12 shock. I haven't even got over to, to be able to deal
13 because I have to be so fricking strong for everybody else
14 to make sure that they can do, you know ---

15 Detective Troxell: Because that's the type
16 person you are, from what I've got to know from you over
17 the course of the week that's the kind of person you seem
18 to be or you're the, you're the glue that holds everything
19 together. You try to provide for everybody else and, and -
20 --

21 Ms. Gorman: And I do.

22 Detective Troxell: --- and not so much for
23 yourself.

24 Ms. Gorman: And I do. Everybody comes before
25 me and I, if, you know, called me and said you needed help,

Detective Troxell - Direct Examination by Ms. Lively 808

1 you know, what I'd be right there to just that's me, that's
2 my nature. That's what I was given my gift for was to help
3 people. I will be bent over backwards. I may be shitty
4 on a lot, but you know what, that's okay. It isn't what
5 comes around goes around, it's that's okay, you know. It's
6 not my loss, it's yours when it comes to things like that,
7 you know. I mean I have a big family and I only talk to
8 two people in my family because none of them care about me
9 and that's fine, that's their loss not mine, you know.

10 Detective Troxell: Why didn't you?

11 Ms. Gorman: All I know ---

12 Detective Troxell: Go ahead, I'm sorry.

13 Ms. Gorman: If, if I shook him I, I can't, I
14 don't, Robert doesn't know, Robert doesn't know.

15 Detective Troxell: Why didn't you tell Robert?
16 Why not tell Robert in the car on the, when we're, when
17 you're driving back and it's an hour and a half drive and
18 you're trying to toss around and figure what happened but
19 you know what?

20 Ms. Gorman: You know what, when we drove we
21 really didn't talk, obviously we really, I mean we bits and
22 pieces because we just ---

23 Detective Troxell: Just so physically ---

24 Ms. Gorman: We needed ---

25 Detective Troxell: --- and mentally drained.

Detective Troxell - Direct Examination by Ms. Lively 809

1 Ms. Gorman: We needed a, you know, that was our
2 break. For the most part we were quiet, being quiet, you
3 know, might say something funny, you know, get a laugh here
4 and there because he, you know, he was frustrated because
5 the fact that when, when I, when we went to the hospital,
6 you know, went back to the hospital Tuesday night said that
7 we were going to the hotel and told the nurse, gave them
8 our cell phone numbers and everything but stop while you
9 were ahead, and then, and something about the father and
10 she goes, well his mother's already called and said she did
11 not want you guys here with Richard because of, there will
12 be confrontation and I say, Ma'am, I'm going to tell you
13 now, I said there will be no confrontation from us. If he
14 wants to be that way I'll leave because this isn't a place
15 to have a scene. This is, you know, ICU and, number one,
16 it's not about us, okay. That, that hurt Robert, you know,
17 and then when I got to the hospital Richard saw me. Richard
18 said that, you know, he debated on stopping and talk to me,
19 and Robert stayed at the hotel because he felt if he came
20 there might be a confrontation, you know. So he was, you
21 know, alleviating anything, you know, he didn't want to
22 walk in and you come charging him, you know, and Richard
23 said, he goes if I would of saw Robert he goes I would have
24 charged him. I would have and I was like that's why he
25 didn't come and I told Robert that and Robert's like I'm

Detective Troxell - Direct Examination by Ms. Lively 810

1 going home, you know, and I said, we'll go.

2 Detective Troxell: It's not the place for a
3 confrontation.

4 Ms. Gorman: You know and it's not, you know,
5 and I told him, I said, come pick me up from the hospital
6 and I'll go home with you and, you know, I'll get my car
7 and I can come back, you know, make sure Richard has
8 everything he needs, you know. I don't, I don't like
9 Richard, I don't and I'm very honest about that, you know.
10 I mean the whole time Cesalee was there just text messages
11 and, you know, she, he would tell her to "F" you and go to
12 hell, I want a divorce, you know, just back and forth, back
13 and forth between them and then he'd call my phone. ~~He'd~~
14 text my phone, you know, and I'd have to sit there and, and
15 be the mediator in the middle. Leave her alone, you know,
16 you know she has problems, you know how she is, you know,
17 she's, she's going to flip and I said now, you know, we
18 don't want that.

19 When she pulled her stunt about, you know, going
20 out till 6:00 in the morning, 6:30, whatever time it was,
21 and then the next night doing it again. I called him and I
22 told him to shut up and listen and I said, you need to get
23 your wife and your young'un and you need to take them home
24 immediately is what I told him, and then after, you know,
25 as, and I was driving when I did this so I had left work

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 811

1 and called. When I got home I, I took Cesalee outside,
2 just Cesalee and I had told her, and I wasn't yelling or
3 screaming because I had calmed down by now because, you
4 know, I was venting and then, you know, I went inside and
5 Robert says, you know, she can go but the baby can stay and
6 he goes and then he's, he's like, you know, she don't have
7 to go either, even though he was very hesitant to let her
8 come and, you know, and he was very hesitant, but it's my
9 daughter, you know, do the right thing, now look, look who
10 we are.

11 Detective Troxell: I know shit happens to good
12 people, Julia, but it's just how we take corrective action
13 to fix and atone for the bad thing. It'll get better, like
14 Weaver said we're here to, to help you. I mean we've been
15 beside you a hundred percent through this whole ordeal till
16 the end. We could have been the mean assholes like you
17 said after we talked on Tuesday and, but we were trying to
18 ---

19 Ms. Gorman: Sunday and Monday, I mean just
20 Monday it could have, and I know that.

21 Detective Troxell: Give me one second, I'll be
22 right back with you.

23 (Whereupon Detective Troxell exits the interview
24 room.)

25 Ms. Gorman: I don't think I did that either.

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 812

1 I'm just, fuck it, say it, do whatever. No one's going to
2 go down with me, and I'm not going to let anyone else take
3 the fall.

4 Detective Weaver: Hey, Julie, can you come with
5 me? We're going to take a break for a little bit, all
6 right, I'm going to, I'm --

7 Ms. Gorman: Can I go outside and smoke a
8 cigarette?

9 Detective Weaver: --- going to get you in a
10 more comfortable place, In a little bit, I'll take you
11 out, get your purse.

12 Ms. Gorman: You dropped a paper down on the
13 ground.

14 Detective Weaver: I'll get that, no big deal.

15 (Whereupon, the playing of the video statement of
16 Julia Gorman is concluded.)

17 The Court: Ms. Lively?

18 Ms. Lively: No further questions of this
19 witness, Your Honor.

20 The Court: Mr. Galmore or Ms. Grabert-
21 Lowenstein?

22 Ms. Grabert-Lowenstein: Yes, if I could have
23 just a moment, Your Honor?

24 Cross Examination

25 By Ms. Grabert-Lowenstein:

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 813

1 Q Detective Troxell, good afternoon.

2 A Good afternoon.

3 Q When you and Detective Weaver went to the
4 residence you had an opportunity to examine the entire area
5 around that residence; would that be correct?

6 A Yes, ma'am.

7 Q This is not in a mobile home park?

8 A No, ma'am.

9 Q Out in the country?

10 A Yes.

11 Q Large lot?

12 A Yes.

13 Ms. Grabert-Lowenstein: Okay, if I could have,
14 might we approach the witness, Your Honor, and for
15 counsel's edification what, Defense 1?

16 Q (Continuing) Do you recognize, I believe
17 you've already testified you recognize what's in that
18 picture?

19 A Yes, ma'am.

20 Q Did you measure that in any fashion?

21 A No, ma'am.

22 Q And but it is large?

23 A Yes.

24 Q Would it be an over estimate that from the
25 trailer to where this pine tree is is probably a quarter of

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 814

1 a mile?

2 A I have no idea.

3 Q But it is, it is quite a distance?

4 A Yes.

5 Q Okay, when you did the interviews that we
6 just saw you had already spoken to Mr. Palmer?

7 A Yes, ma'am.

8 Q What kind of recording equipment did you
9 take with you?

10 A I took a, you talking about at MUSC?

11 Q I'm sorry, yes, at MUSC?

12 A I had a camcorder.

13 Q Did you have a regular tape recorder?

14 A No, ma'am.

15 Q Did you think it might be important to have
16 back up?

17 A That's all I had with me at the time; I
18 didn't have a back up recorder.

19 Q I'm confused because during the interview
20 with Ms. Gorman you indicated that your tape recorder
21 didn't work?

22 A That's what I was referring to was the
23 digital camera or the camcorder.

24 Q You didn't have any other back up on you?

25 A No, ma'am.

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 815

1 Q Did Detective Weaver?

2 A No, ma'am.

3 Q You tried to do as thorough job as
4 possible?

5 A Yes, ma'am.

6 Q Would it have been thorough to have back up
7 and be able to present what his statements were from MUSC?

8 A I don't believe at the time the county had
9 issued us any other recording device other than that
10 camcorder.

11 Q That wasn't my question, would it have been
12 thorough to have a back up given the nature of the case?

13 A Had I had a back up available to me I would
14 have had it.

15 Q You went through the entire home?

16 A Yes, ma'am.

17 Q It was clean?

18 A Yes, ma'am.

19 Q Okay, there were lots of hard surfaces?

20 A Yes.

21 Q Okay, now when you interviewed Robert you
22 already had spoken to both of them at MUSC; did you have
23 information about his whereabouts on Friday night?

24 A No, ma'am.

25 Q You had no information?

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 816

1 A Not to my recollection, no.

2 Q Okay, you did later find out that he wasn't
3 in the residence on Friday night?

4 A Yes, I believe he said in his interview he
5 was outside ended up going out with a friend or something.

6 Q Okay, and you, you uncovered no information
7 that would dispute that?

8 A No, I believe his friend was even spoken
9 to; I believe Detective Weaver may have interviewed his
10 friend and confirmed that.

11 Q And you guys were doing the case together?

12 A Yes, ma'am.

13 Q So you would know if that had been found to
14 be a false statement?

15 A I believe Detective Weaver would have
16 relayed that to me, yes.

17 Q And it was, that it was actually that he
18 had been out with a friend, correct?

19 A Yes, ma'am.

20 Q Okay, and during your interview, excuse me,
21 during your investigation did you run into anybody that
22 told you they saw Robert manhandle or mistreat Minor

23 A No, ma'am.

24 Q Anybody who said he hit him?

25 A No, ma'am.

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 817

1 Q Anybody who said they had ever seen him do
2 that to any other child?

3 A No, ma'am.

4 Q You talked to him about his five year old
5 son, didn't you?

6 A Yes, ma'am.

7 Q And did he answer all your questions?

8 A Yes, ma'am.

9 Q Did he answer all your questions at MUSC?

10 A Yes, ma'am.

11 Q So he was totally cooperative during the
12 process of your investigation?

13 A Yes, ma'am.

14 Q Detective, if you were to ask me what you
15 had for breakfast this morning and I didn't know the answer
16 I'd have no way of knowing that, would I?

17 A Correct.

18 Q So if Mr. Palmer wasn't in the residence
19 when Julia shook, whatever else she may have done to
20 Minor he wouldn't have any knowledge of it, would he?

21 Ms. Lively: I would just object to speculation,
22 Your Honor.

23 The Court: I'll let him answer that question,
24 the answer is so obvious.

25 Ms. Lively: Yes, sir, thank you.

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 818

1 The Witness: (Continuing)

2 A No, ma'am.

3 Q Okay, and you discovered no information to
4 repute him saying I was never told about any injury to
5 Minor

6 A No, ma'am.

7 Q You uncovered no information that indicated
8 that he was present when the injuries occurred, correct?

9 A Correct.

10 Q In fact during Ms. Gorman's interview she
11 indicated he was outside?

12 A I believe that was what was placed.

13 Q Did you ever follow up on that piece of
14 information?

15 A As I stated I believe Detective Weaver may
16 have confirmed that he was out with a friend.

17 Q Let me rephrase, she's talking about
18 Monday?

19 A Okay.

20 Q Did you ever follow up whether or not he
21 was inside the trailer when she was cooking dinner?

22 A There was no one else to follow up with; it
23 was just the two of them at home.

24 Q We watched you come in and out a lot during
25 the two interviews; were they both present at the station?

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 819

1 A Yes, ma'am.

2 Q Okay, and would you have had an opportunity
3 prior to Robert's interview ending to ask him if he had
4 been outside ---

5 A We actually ---

6 Q --- on that Monday?

7 A Yes, ma'am, we could have.

8 Q You would have had that opportunity?

9 A Yes.

10 Q Did you take that opportunity?

11 A No, ma'am.

12 Q Do you think that was important?

13 A Yes.

14 Q Okay, you were trying to collect a complete
15 investigation of information, correct?

16 A Yes, ma'am.

17 Q And yet you didn't follow up on whether
18 Robert was outside or not?

19 A No, ma'am.

20 Ms. Grabert-Lowenstein: If I would have just a
21 moment, Your Honor?

22 Q (Continuing) I do have a couple of
23 questions. Robert had no problem consenting to search of
24 the trailer, did he?

25 A No, ma'am.

Detective Troxell - Cross Ex. by Ms. Graber-Lowenstein 820

1 Q And when you interviewed them at MUSC I'd
2 like to just ask were they together or separate?

3 A Together.

4 Q Is it your practice to interview two
5 suspects together like that?

6 A They weren't suspects at that time, that
7 was the first initial interview I had conducted. We were
8 just gathering information.

9 Q Would it have assisted the integrity of the
10 investigation by separating them even at that point?

11 A Had they been suspects at that point, yes,
12 but they were not suspects.

13 Q Oh, that was my, my question was this,
14 Detective, would it have increased the integrity of the
15 investigation by separating them?

16 A At that point, no.

17 Q You didn't find any direct evidence in the
18 house of Mr. Palmer specifically being the one to inflict
19 any injuries, did you?

20 A No, ma'am.

21 Q In fact what did Ms. Gorman say about
22 whether or not he had inflicted any injuries?

23 A She insisted he had not.

24 Q She was adamant about that, wasn't she?

25 A Yes, ma'am.

Detective Troxell - Cross Examination by Mr. Galtore 821

1 Ms. Grabert-Lowenstein: I have no further
2 questions.

3 Cross Examination

4 By Mr. Galtore:

5 Q Detective Troxell, let's talk about this
6 interview that you conducted with Ms. Gorman, the
7 videotaped one, what was that, the 18th?

8 A Yes, sir.

9 Q Okay, and let's break it up, now there is a
10 point in that video that Ms. Gorman asked you if she could
11 take her medicine; is that correct?

12 A Yes, sir.

13 Q And what was your response to her?

14 A I believe I said, yes.

15 Q Well you said, yes, but then you said wait
16 a minute let me look at it?

17 A To make sure it was prescribed to her, yes.

18 Q Okay, to make sure it wasn't anything
19 illegal?

20 A Yes.

21 Q I think is what you said?

22 A Yes.

23 Q So you looked at it and was it prescribed
24 to her?

25 A Yes, sir.

Detective Troxell - Cross Examination by Mr. Galmore 822

1 Q Do you remember what the medication was?

2 A No, sir.

3 Q Now she was alone in the room before asking
4 you if she could take her medication; is that correct?

5 A Yes, sir.

6 Q And she had her purse and the medicine was
7 in the purse?

8 A Yes, sir.

9 Q She had an opportunity to take her
10 medication without asking you first?

11 A Yes, sir.

12 Q But she didn't, she asked for your
13 permission?

14 A Correct.

15 Q She also asked Detective Weaver on that
16 video if she could take her medication?

17 A Yes, sir.

18 Q And Detective Weaver told her, no, is that
19 correct?

20 A Yes, sir.

21 Q He didn't look at the bottle first to
22 figure out what it was before telling her no, did he?

23 A No, sir.

24 Q Out of hand he said, no, no medication; did
25 you write down what the medication was?

- 1 A No, sir.
- 2 Q But you did look at it?
- 3 A Yes.
- 4 Q You looked at the prescription bottle?
- 5 A Yes.
- 6 Q Do you remember what it wasn't?
- 7 A No, sir.
- 8 Q Do you recall if it was anything dangerous
- 9 like a poison or something?
- 10 A No, sir.
- 11 Q But the bottle did not say cyanide on the
- 12 side of it?
- 13 A No.
- 14 Q You sure about that?
- 15 A Positive.
- 16 Q Cause you would not have allowed her to
- 17 take it if it did?
- 18 A Correct.
- 19 Q Was it a prescription bottle or an over the
- 20 counter medication?
- 21 A From what I recall seeing the video it
- 22 appeared to be a prescription medication bottle.
- 23 Q Do you remember where the prescription came
- 24 from?
- 25 A No, sir, I remember nothing about the

Detective Troxell - Cross Examination by Mr. Galmore 824

1 bottle or the medication.

2 Q Do you remember if it was a controlled
3 substance or not?

4 A No, sir.

5 Q Do you think it would make a difference if
6 it were a controlled substance or not?

7 A No, sir.

8 Q So it's your testimony that if she took a
9 controlled substance that was prescribed to her it wouldn't
10 make a difference as far as the interview?

11 A No, sir, if it's prescribed by a doctor
12 then she's authorized to take it.

13 Q But Detective Weaver said, no, no
14 medication?

15 A Yes, sir.

16 Q You testified I don't remember, how long
17 have you been a police officer?

18 A Nine years.

19 Q I've bet you've done a lot of interviews in
20 nine years?

21 A Yes, sir.

22 Q Can you give the jury a ball park figure of
23 how many interviews you've done?

24 A No, countless.

25 Q At least a hundred?

Detective Troxell - Cross Examination by Mr. Galmore 825

1 A Yes.

2 Q Way more than a hundred more than likely?

3 A More than likely.

4 Q Okay, is it a common occurrence for people
5 to take a break in the middle of an interview and ask to
6 take their medication?

7 A I can't say that's happened routinely, no.

8 Q It doesn't happen routinely, can you give
9 the jury a ball park figure on how often this would happen?

10 A Very few.

11 Q Less than five percent of the interviews
12 you've conducted?

13 A Probably so.

14 Q Okay, so you said you remember that it was
15 not dangerous, and you remember looking at it to make sure
16 that it had her name on the bottle?

17 A Yes, sir.

18 Q Can you remember anything else about the
19 medication?

20 A As I stated, Mr. Galmore, no, sir, I
21 cannot.

22 Q Don't remember what it was?

23 A No, sir.

24 Q All right, well let's talk about how many
25 times you had an opportunity to speak to Ms. Gorman; when

Detective Troxell - Cross Examination by Mr. Galmore 826

1 was the first time you spoke with Ms. Gorman?

2 A At MUSC.

3 Q And that would have been on what date?

4 A The 15th.

5 Q Did you go to Conway Hospital on the 14th?

6 A No, sir, I did not.

7 Q Did Detective Weaver go to Conway Hospital?

8 A Yes, sir, he did.

9 Q So Detective Weaver had an opportunity to
10 speak with her on the 14th?

11 A Yes, sir.

12 Q Then you had an opportunity to speak with
13 her on the 15th?

14 A Yes, sir.

15 Q When Detective Weaver talked to her on the
16 14th did Ms. Gorman confess to this crime?

17 A Not to my knowledge.

18 Q When you talked to Ms. Gorman at MUSC on
19 the 15th, did she confess to you that she did it?

20 A No, sir.

21 Q Are you aware whether or not Yvette Brown
22 from DSS spoke with Ms. Gorman at MUSC?

23 A No, sir, I'm not aware, I learned that
24 through the testimony today but I was not aware prior.

25 Q So you don't know if Ms. Gorman talked to

1 her or not?

2 A No, sir.

3 Q Except from what you heard in court today?

4 A Yes.

5 Q Okay, did you talk to Ms. Gorman at work?

6 A No, sir.

7 Q Why didn't you do that?

8 A She wasn't at work through the course of
9 this investigation..

10 Q She had taken the time off?

11 A Yes, sir.

12 Q Okay, you talked to Ms. Gorman when you
13 went to the house?

14 A Briefly, yes.

15 Q And what date did you go out to the house?

16 A On the 16th.

17 Q And that's when you took all those
18 pictures?

19 A Yes, sir.

20 Q Measuring things?

21 A Yes, sir.

22 Q You took the picture of the stroller?

23 A Yes, sir.

24 Q And you took the picture of the dog?

25 A Yes, sir.

Detective Troxell - Cross Examination by Mr. Galmore 828

1 Q And the dog cage?

2 A Yes, sir.

3 Q And the steps?

4 A Yes, sir.

5 Q And the trampoline?

6 A Yes, sir.

7 Q Why were you taking all these pictures?

8 A Again to document the height of the items
9 inside the residence.

10 Q When you did the walk through at the house
11 on the 16th and you briefly talked to Ms. Gorman on the
12 16th, did she confess to you at that time?

13 A No, sir.

14 Q No, she did not, so now we come to the
15 18th?

16 A Yes, sir.

17 Q How long did you interview Mr. Palmer?

18 A I believe the video footage said it was
19 thirty nine minutes.

20 Q And how long did you interview Ms. Gorman?

21 A I believe the video footage said it was an
22 hour and thirty nine minutes.

23 Q And there was a break in the video, a time
24 where you all stepped out of the room and gave her --

25 A Yes, sir.

1 Q -- some time by herself, Ms. Gorman had a
2 book during that interview; is that correct?

3 A You're referring to the notebook?

4 Q The notebook?

5 A Yes, sir.

6 Q Yes, sir, did you read the notebook?

7 A No, sir.

8 Q No, so when you testified on direct that it
9 was a book that Ms. Gorman had where she took notes about
10 Cesalee you don't know that to be true?

11 A I believe she said that.

12 Q Okay, but you didn't read the book so you
13 don't know what was in it?

14 A Correct.

15 Q What did you do with the book?

16 A Nothing.

17 Q Okay, during the interview wasn't the book
18 taken from Ms. Gorman?

19 A I didn't take the notebook from Ms. Gorman.

20 Q Is it a standard police practice and
21 technique to take any items from a witness while doing an
22 interview?

23 A No, sir.

24 Q It's not, is it a standard police practice
25 and technique to conduct an interview at the police

Detective Troxell - Cross Examination by Mr. Galmore 830

1 station?

2 A Yes, sir.

3 Q Okay, and that's because you take a person
4 out of their comfort zone; is that correct?

5 A And also to document the interview.

6 Q Well you got a tape recorder you can
7 document it at MUSC, right?

8 A It malfunctioned.

9 Q But I mean you went out there with a tape
10 recorder?

11 A Yes, sir.

12 Q And you were conducting an interview right
13 up until it malfunctioned?

14 A Yes, sir.

15 Q And you were documenting an interview?

16 A Yes, sir.

17 Q And that interview was not at MUS, was not
18 at the, at the M.L. Brown building?

19 A Yes, sir.

20 Q Okay, so it is a standard police technique
21 to interview people at the police station?

22 A Yes, sir.

23 Q And that's because it takes a person of his
24 comfort zone?

25 A Yes, sir.

Detective Troxell - Cross Examination by Mr. Galmore 831

1 Q It's a lot better than interviewing the
2 person in his or her home?

3 A Yes, sir.

4 Q Isn't it also true that it is a standard
5 police technique to take any items from a person to take
6 them out of their comfort zone?

7 A I can't explain why the notebook was taken,
8 I, her purse was left there as well so that would go to
9 that statement as well.

10 Q Okay, do you know where the book is now?

11 A No, sir.

12 Q Was the book taken into evidence?

13 A I do not believe so.

14 Q You're the person that collects evidence?

15 A I didn't collect that piece of evidence; it
16 wasn't evidence for me.

17 Q And your partner did he collect the
18 evidence?

19 A I see no evidence sheet in his case file so
20 I can say, assume no.

21 Q So this notebook has disappeared?

22 A Yes, sir.

23 Q All right, so you take her down to the
24 police station for an interview; that's correct?

25 A Yes, sir.

Detective Troxell - Cross Examination by Mr. Galtore 832

1 Q And for the first hour or so she doesn't
2 say anything?

3 A Yes, sir.

4 Q And you and Detective Weaver suggest to her
5 that maybe it was an accident?

6 A Yes, sir.

7 Q And you suggested that multiple times?

8 A Yes, sir.

9 Q Would it be fair to say that you repeatedly
10 suggested that maybe it was an accident?

11 A Yes, sir.

12 Q When you made the suggestion repeatedly
13 that it was an accident before she took this medication did
14 she give you a confession?

15 A No, sir.

16 Q You suggested to Ms. Gorman during the
17 interview that she was going to jail, right?

18 A Yes, sir.

19 Q You suggested that more than once?

20 A Yes, sir.

21 Q When you made those suggestions prior to
22 Ms. Gorman taking this pill did she give you a confession?

23 A No, sir.

24 Q During the interview you showed her these
25 baby pictures from the hospital, correct?

Detective Troxell - Cross Examination by Mr. Galtore 833

1 A Yes, sir.

2 Q And you told her we're going to the
3 autopsy, we're going to get the skull and be able to look
4 at it; is that ---

5 A Yes, sir.

6 Q --- a fair representation of what was said?

7 A Yes, sir.

8 Q And again prior to her taking this pill she
9 did not give you any type of confession?

10 A Correct.

11 Q If I suggested to you that the pill was
12 Zanax would you remember having looked at the bottle?

13 A No, sir.

14 Q But you do admit that you looked at the
15 bottle?

16 A Yes.

17 Q Did you look at the name of the pill?

18 A No, sir.

19 Q Okay, you didn't even look at the name you
20 just made sure it said Julie Gorman on it?

21 A Yes, sir.

22 Q Well how did you know it wasn't cyanide
23 then?

24 Ms. Lively: Your Honor, I'd just object to the
25 defense really kind of beating a dead horse.

Detective Troxell - Cross Examination by Mr. Galtore 834

1 The Court: If you really, really think that's a
2 legitimate question, repeat it and let him answer it?

3 Mr. Galtore: We'll let it go, we'll let it go.

4 Q (Continuing) You talked to the doctors on
5 the 15th at MUSC; is that correct?

6 A Yes, sir.

7 Q And Detective Weaver talked to the doctors
8 at Conway Hospital on the 14th?

9 A Yes, sir.

10 Q And he also spoke with the doctors at MUSC
11 on the 15th?

12 A Yes, sir.

13 Q They provided for you a diagnosis of blunt
14 force trauma to the head?

15 A Yes, sir.

16 Q There's a point in this interview when you
17 bring in a leprechaun and you give it to Ms. Gorman and ask
18 her how she shook the baby; is that correct?

19 A Yes, sir.

20 Q At the time you asked her how she shook the
21 baby is it fair to say that you were aware that his cause
22 of death was blunt force trauma to the head?

23 A Yes, sir.

24 Q Would it be fair to say that shaking the
25 baby in and of itself could not cause blunt force trauma to

Detective Troxell - Cross Examination by Mr. Galmore 835

1 the head?

2 Ms. Lively: Objection, Your Honor, asked for a
3 medical conclusion, he's not an expert, could have asked
4 that to any of the medical experts, Your Honor, I'd object.

5 The Court: Sustained.

6 Ms. Lively: Thank you, Your Honor.

7 Mr. Galmore: (Continuing)

8 Q Subsequent to Ms. Gorman taking this pill
9 did you ask her to provide you a written confession?

10 A No, sir..

11 Q Did you ask Ms. Gorman to do a walk through
12 of the home on Highway 129?

13 A No, sir..

14 Q To show you exactly what happened?

15 A No, sir.

16 Q Did you ask Ms. Gorman to perform any type
17 of re-enactment of these alleged injuries?

18 A That would be the demonstration with the
19 leprechaun, that was the purpose of that.

20 Q That would, so you're saying that was the
21 re-enactment of what happened to Minor

22 A To demonstrate how she, yes, sir, how she
23 had shaken Minor

24 Q When you walked through the home did you
25 find any surfaces that had hair or blood on them?

Detective Troxell - Cross Examination by Mr. Galmore 836

1 A No, sir.

2 Q Any surfaces that had skin on them?

3 A No, sir.

4 Q Did you find any object in the home that
5 had hair or blood?

6 A No, sir.

7 Q Any object that had skin?

8 A No, sir.

9 Q Did you find any type of instrumentality
10 that might have been used to inflict these wounds?

11 A No, sir.

12 Q Did you ask Ms. Gorman where's the weapon?

13 A No, sir, that was not a suggestion they
14 offered up for the explanation of Minor injuries.

15 Q Now you asked Ms. Gorman to come in and
16 talk with you, right?

17 A Yes, sir.

18 Q Did she have the right to not come in and
19 talk with you?

20 A Yes, sir.

21 Q Did you tell her that?

22 A No, sir.

23 Q I mean I saw the interview with Mr. Palmer
24 and, you know, you said you have the right to stop
25 questioning at any time, are you on any narcotics,

Detective Troxell - Cross Examination by Mr. Galmore 837

1 questions like that, did you ask those same questions of
2 Ms. Gorman?

3 A She was advised of these same Miranda
4 rights, yes.

5 Q So she was aware that she did not have to
6 speak to you?

7 A Yes, sir.

8 Q Isn't it true that Ms. Gorman was trying to
9 offer you various explanations of what could have happened
10 to Minor?

11 A No, sir.

12 Q She told you that she didn't think Robert
13 would have had anything to do with it?

14 A That's correct.

15 Q And she explained to you that she thought
16 maybe the dog had something to do with it?

17 A That and the stroller.

18 Q And the stroller, yes, and your testimony
19 is that medically from what you heard from the doctors that
20 those could not have been possible explanations?

21 A That is correct.

22 Q And after you asked her is it possible that
23 you did it, she then explored that possibility with you?

24 A Yes, sir.

25 Q Now you drove some distance from the house

Detective Troxell - Cross Examination by Mr. Galmore 838

1 on Highway 129 to the IGA at the request of the Solicitor;
2 is that correct?

3 A Yes, sir.

4 Q And you said it took you how long?

5 A Three minutes and forty seconds.

6 Q Okay, and what was the distance?

7 A One point eight miles.

8 Q Okay, well did you drive the distance from
9 Bass Pro Shops to the house on 129?

10 A No, sir.

11 Q Did you drive the distance from the video
12 store in Aynor to the house on Highway 129?

13 A No, sir.

14 Mr. Galmore: The Court's indulgence, Your
15 Honor?

16 Q (Continuing) Did you testify before the
17 grand jury in this case?

18 A No, sir.

19 Q Do you know who did testify before the
20 grand jury?

21 A No, sir.

22 Q Do you know if it was Detective Weaver?

23 A No, sir, I can explain our, our practice
24 for who testifies to the grand jury if you would like?

25 Q Yes, sir?

1 A We have a rotational system of detectives
2 that present all our cases to the grand jury and whoever
3 happens to be on rotation that month presents the cases to
4 the grand jury.

5 Q So it may not have even been a detective
6 involved in this case that testified before the grand jury?

7 A That's correct.

8 Q Do you know how many times this detective
9 has testified before the grand jury?

10 A It depends on each individual detective and
11 their experience.

12 Q But no case did you ever testify before the
13 grand jury in this case?

14 A No, sir, I have not.

15 Mr. Galmore: Thank you, Detective, no further
16 questions.

17 The Court: Ms. Lively?

18 Ms. Lively: Your Honor, at this time I just for
19 the record want to make sure we had discussed the matter
20 regarding the Miranda forms which the Clerk actually ---

21 The Court: And we have stipulated when the
22 Clerk retrieves them from my file from the October 31st
23 hearing they will be introduced.

24 Ms. Lively: If I may approach?

25 The Court: They'll be shifted from that file

1 into this file as State's Numbers, the next consecutive
2 numbers, and that was with Mr. Galmore and Ms. Grabert-
3 Lowenstein --

4 Madam Court Reporter: That would be 66 and 67.

5 The Court: 56 and 57.

6 Madam Court Reporter: Sixty-six.

7 Ms. Lively: Sixty-six.

8 The Court: And 67.

9 Ms. Lively: Your Honor, then at this time as I
10 stated those will be in evidence on behalf of the State the
11 Miranda forms of both of the defendants that Detective
12 Troxell has testified to, and based upon the fact that I
13 have no further questions for this witness I would ask that
14 he be excused.

15 (Whereupon, State's Exhibit Number 66 and 67
16 entered into evidence.)

17 The Court: Wait a minute, does Ms. Grabert-
18 Lowenstein, did you have another question?

19 Ms. Grabert-Lowenstein: I don't, Your Honor,
20 thank you.

21 The Court: All right, very well, all right, any
22 objection to excusing this witness, Mr. Galmore?

23 Mr. Galmore: No, sir.

24 The Court: Ms. Grabert-Lowenstein?

25 Ms. Grabert-Lowenstein: No, Your Honor, thank

1 somewhere in the Aynor area.

2 The Court: Well it's one point three miles from
3 the Aynor IGA, Mr. Galmore.

4 Mr. Galmore: And there is the border between
5 Marion County and Horry County.

6 The Court: It's not within one point three
7 miles, you've got Galivants Ferry in there. It's one point
8 three miles and Galivants Ferry community, where it's been
9 testified this, this, this family lived is certainly within
10 Horry County.

11 Mr. Galmore: Yes, sir, I just thought that the
12 State had to establish each element of the offense.

13 The Court: Galivants Ferry is this side of the
14 river.

15 Mr. Galmore: I'm sorry?

16 The Court: Galivants Ferry is the Horry County
17 side of the river.

18 Mr. Galmore: Yes, sir, we would respectfully
19 take exception with the ruling in that regard.

20 The Court: All right.

21 Mr. Galmore: Your Honor, at this time we would
22 make a motion for a directed verdict as well. The Court is
23 familiar with the standard for directed verdict. We would
24 submit that in this case directed verdict should be granted
25 when the State fails to produce evidence of the offense

1 charged.

2 The Court: Isn't the standard any evidence upon
3 which a jury could reasonably find a verdict of guilty
4 beyond a reasonable doubt; isn't that the standard?

5 Mr. Galmore: It has to be any direct evidence
6 or substantial circumstantial evidence. In this case I
7 don't believe the State has produced any direct evidence of
8 Ms., Ms. Gorman's involvement in this case. They've
9 established that an injury was inflicted upon Minor

10 ; they have not established, they have not connected
11 that injury to Ms. Gorman. What they've done is said, well
12 statistically we're the only two people who could have done
13 it but they have not produced any evidence that said either
14 he is the person that inflicted this injury or she was the
15 person that inflicted this injury.

16 The Court: How about the evidence of shaking?

17 Mr. Galmore: Well that's, that's kind of
18 questionable because we, we know that shaking was not the
19 cause of death in this case.

20 The Court: How about the co-defendant's
21 statement that he didn't do it?

22 Mr. Galmore: That's good to know.

23 The Court: Doesn't that leave enough evidence
24 at least pointing circumstantial evidence pointing to her,
25 heard evidence it could have only been two people.

1 Mr. Galtmore: My client likewise said she didn't
2 do it.

3 The Court: That's correct.

4 Mr. Galtmore: And the detective specifically
5 asked well how soon after you shook him did you pick him up
6 and he started having a seizure and the answer was I didn't
7 shake him on Monday.

8 The Court: But isn't that what jury's are for,
9 Mr. Galtmore, to make findings of fact?

10 Mr. Galtmore: Well I think the first thing we
11 need to establish is whether or not there's any direct
12 evidence in this case and I submit that there is none.

13 The Court: All right, thank you, I'll hear from
14 you, Ms. Lively?

15 Ms. Lively: Yes, sir, Your Honor, clearly in
16 looking at a directed verdict motion the Court is to look
17 at all the evidence in the light most favorable to the
18 State and in this particular circumstance just like in the
19 State v. Smith in cases where we have two alleged
20 perpetrators and who are alone with a victim and the victim
21 is dead under those circumstances we would place both of
22 those defendants there. Clearly they backed each other up
23 in their stories; clearly the evidence, the medical
24 evidence shows that these symptomatic, the symptoms of the
25 child would have been immediate and both of these people

1 were there and had the child in their case, so based upon
2 that information plus the information that the child was
3 bruised, you know, Defendant Gorman claims that he was
4 pinching himself, the jury can clearly draw a conclusion
5 based upon the entire picture of the evidence that these
6 defendants were involved and the way that the, or either
7 one or the other inflicted the injury. And the problem
8 with these cases, Your Honor, as I stated in my opening,
9 was that we don't have direct evidence necessarily as to
10 who inflicted the blow; however, the homicide by child
11 abuse statute is very clear as it could be whether they
12 acted or failed to act and that there was an act that was
13 inflicted on the child with extreme indifference to human
14 life which every single one of my medical experts said that
15 this act that was inflicted on this child would have been
16 so obvious to the perpetrator the child would have been
17 immediately symptomatic, they would have known it was
18 dangerous to the life of the child. We have two people who
19 were there, clearly in a very short time frame before the
20 child became symptomatic and then was brought to the E.R.
21 already practically brain dead, so I would submit to you
22 that there is a mountain of circumstantial evidence that
23 the State has been able to present to the Court as well as
24 to this jury for it to go to the jury.

25 The Court: Mr. Galmore, there is ample evidence

1 that there was a homicide in this case. The State's case,
2 the State has produced likewise a substantial amount of
3 circumstantial evidence that really puts forth just in my
4 view two scenarios. Number one, that Mr. Palmer injured
5 the child and the child was unconscious when Ms. Gorman
6 came home and she found him that way. Other ---

7 Mr. Galmore: That doesn't mean she failed to
8 act, Judge.

9 The Court: Other, other that Ms., the other is
10 that Ms. Palmer came home and the child was as Mr. Palmer
11 said, or Ms. Gorman came home and as Mr. Palmer said the
12 child was fine and that she injured the child, who knows, I
13 don't right now, but that's what a jury is for and I think
14 this should go to the jury. Ms. Grabert-Lowenstein?

15 Ms. Grabert-Lowenstein: Your Honor, and if I
16 may because this is an important situation, I am not, I am
17 making my own separate motion for a directed verdict and,
18 Your Honor, I have prepared a written motion. I think,
19 frankly, Your Honor, you've hit it on the head, there has
20 to be substantial evidence and ---

21 The Court: Or both could have been involved in
22 it, so there's three scenarios.

23 Ms. Grabert-Lowenstein: Your Honor, what we
24 know is this did happen in a short time frame. What we
25 know is that Mr. Palmer has, if I may, has always denied

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1 any evidence. There's no direct or circumstantial evidence
2 of him committing the injury and Ms. Galmore [sic], Ms.
3 Gorman had always said he didn't do it, she never told him
4 of anything. Your Honor, there is such a weak, weak string
5 here that the State wants to drag him along.

6 There is evidence that he was outside and, and no
7 other evidence that he knew or was involved at all. How
8 can we when we're looking for a willful disregard say that
9 there was willful disregard here? This man was part in
10 getting this child to the doctor. The evidence is that
11 there were no bruises when the emergency people picked him
12 up. The first bruises weren't seen until seven, according
13 to the testimony. There's no evidence that he had any
14 knowledge of that child being injured. Ms. Gorman is
15 emphatic about him having more patience. We have seen the
16 demonstration of her as well as her own testimony about her
17 propensity and, Your Honor, it was only for lack of being
18 able to give information he didn't have that he was
19 arrested that day. There is absolutely no, it has to be
20 substantial circumstantial evidence and there's no direct
21 or substantial circumstantial evidence. He is in a
22 completely different situation than Ms. Gorman and we ask
23 for the directed verdict.

24 The Court: Ms. Grabert-Lowenstein, what about
25 this scenario, there's no question there's ample evidence

1 of his death by, brought on by these fractures. We've
2 heard evidence about what force it would take to cause
3 these fractures. We've heard a lot of evidence about when
4 this occurred, the time frame in which it occurred. Now
5 we've heard Ms. Gorman who first of all says he wouldn't do
6 that, but as you pointed out with your questions on cross
7 examination how would she know, how would someone who
8 wasn't there know? She says she came home after having
9 been at work since 5:45 that morning, she came to the
10 house, she did not touch the child. She had no contact
11 with the child other than to look in on the child and then
12 at 6:00 or approximately 6:00 when she picks the child up
13 the child is afflicted. Now what is that evidence of?
14 Does that not support a, a jury's verdict that would, of
15 guilt of your client? What if they believe her when she
16 says all I did was stick my head in, in fact believe your
17 client when he says that's all she did was stick her head
18 in, she goes in and picks up the child and comes out. I
19 think that there is substantial circumstantial evidence. I
20 don't know how this case will go, that's why we have
21 juries.

22 Ms. Grabert-Lowenstein: Your Honor, I think
23 given the evidence of the symptomology certainly and how
24 quickly Donna Roberts, Dr. Abel say these injuries would
25 have happened there would have been symptomology if this

1 had occurred prior to the time that it is said she got
2 home.

3 The Court: Didn't she testify someone could
4 look in and the child be unconscious and he could appear to
5 be asleep, sleeping peacefully, but in reality the child
6 was unconscious; how about that?

7 Ms. Grabert-Lowenstein: Your Honor, there's --

8 The Court: Did you counter that testimony with
9 an expert?

10 Ms. Grabert-Lowenstein: She did say that this
11 could have happened within an hour. The point is, Your
12 Honor, that the State made great pains at, you know, making
13 this as short as possible and that's the time that my
14 client was out of the house; that's the point of the
15 directed verdict at this point. There is no evidence to
16 show that he inflicted the injury. His interview is
17 replete that Detectives Weaver and Troxell because of
18 information they had believed that it was Julia Gorman.
19 There has to be, there's just no evidence that he had
20 anything to do with it and while I understand the point the
21 Court's making to allow this to go to the jury without the
22 substantial circumstantial evidence --

23 The Court: There is substantial circumstantial
24 evidence in my view, all right, thank you very much.

25 Ms. Grabert-Lowenstein: Thank you.

Ms. Gorman - Direct Examination by Mr. Galmore

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1 being first duly sworn, testified as follows:

2 Madam Clerk: Please state your full name and
3 spell your last name for the Court?

4 The Witness: My name is Julia Shawnette Gorman,
5 g-o-r-m-a-n.

6 Direct Examination

7 By Mr. Galmore:

8 Q Ms. Gorman, give us some information about
9 yourself, how old are you?

10 A I'm forty years old.

11 Q Are you married, single, divorced?

12 A Divorced.

13 Q Do you have any children?

14 A Yes, I have three.

15 Q Tell us your children's names and ages?

16 A I have Cesalee, she's twenty two, have
17 Kyle, he'll be, be sixteen, I have Kayla who's fourteen.

18 Q Do your children reside with you?

19 A No, Kyle and Kayla live with their father
20 and Cesalee resides on her own.

21 Q Cesalee is twenty-two, she's out of the
22 house?

23 A Yes, sir.

24 Q So Kyle and Kayla live with their father?

25 A Yes, sir.

Ms. Gorman - Direct Examination by Mr. Galmore

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1 Q Where is that?

2 A Last to my knowledge they lived in Hawaii.

3 Q Why were they living in Hawaii?

4 A Back in 2007 during the summer after my son
5 graduated from elementary school they went to their dad's
6 for the summer to visit and then I got a phone call saying
7 they weren't coming back.

8 Q Is your ex-husband in the Navy?

9 A Yes.

10 Q And where is he stationed?

11 A He was stationed in Hawaii.

12 Q He's also from Hawaii?

13 A He's not originally from Hawaii, He's,
14 actually he was born in Nevada and his family is from North
15 Carolina and Ohio.

16 Q Does he have family in Hawaii?

17 A He does have family in Hawaii.

18 Q So your children are out there with their
19 father who's in the Navy in Hawaii?

20 A Yes, sir.

21 Q We've heard testimony that Mr. Palmer was
22 in the Navy also?

23 A Yes, sir.

24 Q Are you attracted to the military men or
25 something?

1 A No.

2 Q So this is just a coincidence?

3 A Just a coincidence.

4 Q Let me turn your attention to July 2008,
5 okay, the summer of 2008, can you explain for the jury the
6 circumstances of how Cesalee and Minor came to stay with
7 you in Aynor?

8 A Cesalee called me and said that she was in
9 Florida visiting her husband, at the time he was in
10 Pensacola doing they call it T.A.D., temporary assignment
11 duty, and she really couldn't see him, so I said why don't
12 you just come on down and come visit us. I had never seen
13 my grandson before, we can get acquainted and everything,
14 We thought it was a great idea, so Richard put her on a bus
15 and they came down to Myrtle Beach and I picked them up
16 there on 10th Avenue, is it 10th Avenue North, I believe,
17 is where the bus station is, and I picked Cesalee and my
18 grandson up there and when I picked them up they didn't
19 have their luggage or a car seat, so --

20 Q Was it unusual that they didn't have any
21 luggage?

22 A That's the bus station so it happens.

23 Q It wasn't like they didn't have clothes?

24 A No, it just they got lost.

25 Q Would that be the same for the stroller?

Ms. Gorman - Direct Examination by Mr. Galmore

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1 A No, they had an umbrella stroller when we
2 got, when I picked them up.

3 Q This would have been the first time that
4 you saw your grandson Minor

5 A Yes.

6 Q At the bus stop or the bus station in
7 Myrtle Beach?

8 A Yes.

9 Q How did he appear to you?

10 A He was small, he looked underweight. I
11 took her, you know, I took him from her when she got off
12 the bus and I mean I was a stranger so, of course, he was
13 not, you know, not familiar with me so, you know, he wasn't
14 for sure to come to me and I put my hands, you know, wanted
15 to touch him, you know, cause he's a baby, and I put my
16 hands on his head and he just kind of pushed my hand away
17 and his head feels soft so I was concerned and so, you
18 know, and Cesalee came back and said they didn't have her
19 stuff so I, you know, I gave the baby back because, you
20 know, he wanted his mom because I was a stranger so, you
21 know, I give him back. I didn't want him to cry because,
22 you know, he didn't know who I was, it wouldn't be very
23 fair.

24 Q Did you and Cesalee and Minor do anything
25 special that first night?

1 A Yeah, we went to my work. We went to the
2 Bass Pro Shop, went to Islamorada Restaurant and I took
3 them to lunch, and then we went inside and I think we
4 bought some sun block for him and could have bought him
5 some, some shorts or something, then we went down to the
6 beach and I had some friends down at the beach and took him
7 to the beach that day for a couple of hours, then we ran
8 back up to the bus stop to see if their stuff had come in
9 on a different, you know, route, but it didn't and then we
10 went home.

11 Q Okay, so you introduced your daughter and
12 your grandson to your friends and your coworkers?

13 A Yes.

14 Q How was the relationship when Cesalee and
15 Minor were staying with you?

16 A At the beginning it was fine, you know, I
17 think cause we hadn't seen each other in so long, you know,
18 that, I guess we just thought that, you know, with her
19 having a baby, you know, she had grown up and you change,
20 you know she wasn't that little girl anymore, you know, now
21 she had the responsibility to be a mom, too, you know.

22 Q How was Cesalee with Minor

23 A For the most part she was good. There was
24 times when, you know, she'd get frustrated and, you know,
25 if he was wallering or anything and she was tired of it,

Ms. Gorman - Direct Examination by Mr. Galmore

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1 you know, she'd push him away, you know. She'd put him in
2 the bedroom or she would ignore him, I mean that was just
3 what she did, but other than that she, she loved on him,
4 too, I mean she did both.

5 Q Now while Minor was here did there become
6 a medical issue with him?

7 A Yes.

8 Q Tell us what happened?

9 A He got bit by some ants and ---

10 Q Where was that at?

11 A In my back yard.

12 Q Okay ---

13 A And ---

14 Q What was done as a result of that?

15 A They called me at work and said that he got
16 bit by some ants and his leg it was swelling, so I called
17 my doctor's office and, and I came home and picked them up,
18 picked her and Minor up and I took them to the doctor's
19 office and we filled out the paper work and everything and
20 we went and saw the doctor there in Aynor.

21 Q Would that be Dr. Hutson?

22 A Yes, sir, and ---

23 Q He was your physician as well as Minor
24 physician?

25 A I see the other physician there but he saw

1 Dr. Hutson.

2 Q Okay, was there a problem with Minor
3 insurance?

4 A We were having problems with it cause he
5 didn't have any and so Cesalee didn't have any of his paper
6 work with his insurance or anything and Cesalee, Cesalee
7 and Richard were having their own problems with their
8 marital problems, but you intervene as a parent because you
9 love your children regardless of what your own personal
10 opinions are; and I called, I called Richard's staff
11 sergeant, and I called the chaplain and I called his staff
12 sergeant to tell them that we didn't have this information
13 and within a few minutes I was getting the information we
14 needed to get insurance for Minor and within a couple of
15 days I had all the information mailed to us for his
16 insurance to be active so we can get him the proper
17 medical, you know, attention so he could have his
18 insurance, so we took him to Aynor and had him to be seen
19 and everything; and I, we took him there and we told him
20 about his shots and that, you know, he had signs of
21 allergies or mess with them and I explained to the doctor,
22 you know, I would have concerns about his head being soft
23 and squishy and, you know, from, from that point on I've
24 always, you know, expressed my concerns about that.

25 Q Did you explain to the doctor about his

Ms. Gorman - Direct Examination by Mr. Galmore

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1 head being squishy during the first appointment on July the
2 1st?

3 A Yes.

4 Q When you were there for the ant bites?

5 A Yes.

6 Q I think the doctor testified that you were
7 or you or Cesalee had complained that he was grabbing at
8 his ear and he had a head cold; was that one of the
9 concerns?

10 A No, we talked about his ant bites and I
11 complained that his head was soft, it was squishy. It
12 wasn't like, I know children have soft spots, but it wasn't
13 the normal, normal places; it was everywhere.

14 Q Did Dr. Hutson examine Minor head?

15 A Not really, he just said it was probably
16 just soft because of allergies.

17 Q Okay, and he prescribed you some allergy
18 medication for him?

19 A Yes, he prescribed allergy medicine and
20 some steroid cream for the ant bites.

21 Q Did you have an occasion to have to take
22 Minor to the hospital again?

23 A Yes.

24 Q And when was that?

25 A I don't know the exact date, could have

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1 been the 7th or the 8th. He was, he was throwing up and it
2 got to the point where he was projectileing and I didn't
3 know why so I took him to the emergency room and I took him
4 there and he wouldn't projectile there. They gave him a
5 popsicle and we observed him for a while and they sent him
6 back home and just told me just and I had an appointment
7 for him to go see the doctor that following day for his
8 immunization records; and when I took him to the doctors
9 for that and I asked the doctor would it be still okay to
10 give him his shots and said just took him to the emergency
11 room because he was being sick and he said yes, so he
12 administered his immunization shots.

13 Q Now this visit to the emergency room was
14 Cesalee with you for that?

15 A No, it was Robert and myself.

16 Q Okay, so Robert had went with you to the
17 emergency room?

18 A Yes.

19 Q Why didn't Cesalee go?

20 A She wasn't here.

21 Q She wasn't here, okay, where was she?

22 A She would have been back in Arizona.

23 Q What were the circumstances of Cesalee
24 leaving to go back to Arizona?

25 A The circumstances for Cesalee going back to

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1 Arizona was that she was supposed to back to start getting
2 herself back together. She has her own personal issues and
3 she was supposed to get herself back together so that way
4 when her and her husband got back together that she would
5 be able to, be able to take care of herself, take care of
6 her son so that way when her husband did have to deploy for
7 any reason she would be able to take care of a home, take
8 care of a child while he was gone and be able to take care
9 of all those things without any problems. It's hard being
10 a military wife. It's hard to do those things when you're
11 by yourself.

12 Q You say Cealee needed the opportunity to
13 get herself together; what do you mean by that?

14 A Cesalee just has a past history of medical
15 services as she grew up and everything. She was diagnosed
16 with bipolar and opposition defiant disorder. So when we
17 had talked she said, you know, she'd go back home and, you
18 know, go back to accept the fact that she had it and go see
19 a doctor and everything so she can help with that so we
20 were keeping her son so she can get that under, you know,
21 help and everything; and when she got that taken care of
22 then, you know, her and her husband after they got settled
23 and after he got finished with school in graduate wherever
24 they were going to get stationed at then they'd come back
25 and get their son and then they could have their home and

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1 everything and they could have their son back.

2 Q Was there a discussion about how long
3 Minor was supposed to be staying with you?

4 A Not that I'm aware of, I don't recall. It
5 wouldn't have mattered if it was a week, two months, ten
6 years, it wouldn't have mattered.

7 Q We've seen this temporary guardianship
8 paperwork that says one year, was there a discussion that
9 Minor was going to stay with you for an entire year?

10 A No, it was just a, I think that's just the
11 standard, I think it's just the standard to have a year on
12 there but it could be null and void at any time.

13 Q So just because it says a year doesn't mean
14 ya'll had planned for Minor to stay with you for a year?

15 A No.

16 Q Were you trying to take Minor from
17 Cesalee?

18 A No.

19 Q So you took Minor to Dr. Hutson on July
20 1st for ant bites?

21 A Yes.

22 Q And you, you complained about his head
23 being squishy?

24 A Yes.

25 Q And when you went to the hospital on the

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1 7th, that was for the projectile vomiting?

2 A Yes.

3 Q Did there come another occasion where you
4 went back to Dr. Hutson's office?

5 A Yes, I took him again when I took him to
6 go get his immunization shots.

7 Q And when was that?

8 A It was right after I took him to the E.R.

9 Q The next day?

10 A I don't, I don't know the exact dates, I
11 don't have them written down.

12 Q Let me hand you what's been marked for
13 identification purposes as Defense Exhibit 3 and ask you if
14 this document helps to refresh your memory as to when your
15 second appointment was with Dr. Hutson?

16 A It was July 8th of 2008.

17 Q Okay, and when was the appointment, excuse
18 me, when was the emergency room visit at Conway Medical
19 Center?

20 A It was July 7th.

21 Q So after the vomiting incident the next day
22 you took Minor to Dr. Hutson's office?

23 A Yes, sir.

24 Q Did Robert accompany you?

25 A Yes, sir.

1 Q Did you have to take off work that day to
2 take him?

3 A I don't recall, I don't, I don't know
4 because I don't know what time his appointment was and if I
5 had to work that day or not.

6 Q Okay, well what were the, where were your
7 complaints when you went to Dr. Hutson on that 8th?

8 A My complaints were I still was concerned
9 about his head; I was still concerned the fact he was
10 projectiling the day before and because he was projectiling
11 would it still be safe to give him shots because of that
12 and the doctor said he didn't have a fever so he'd be fine.

13 Q So he was given the shots on the 8th?

14 A Yes.

15 Q And you said Cesalee was gone by this time?

16 A Yes.

17 Q Well explain to us how things, how things
18 worked in your household with you, Robert, and Minor

19 A On a daily basis I'd get up in the morning
20 early cause I have to be at work anywhere between five,
21 six, anywhere between five and eight in the morning,
22 depending on what day it is, so if I had to be at work at
23 five I'm out of the house by 4:15, have to be, and I go to
24 work anywhere from an eight to a ten hour day. I come
25 home, generally the first thing I do is walk in the house

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1 and ask where Minor is cause he's my buttercup, generally
2 Robert would probably tell me he's in bed so I go check on
3 him. I pretty much relieve the duties. I clean the house,
4 I cook dinner, I make our plates. I cut up Minor food,
5 I put him in the chair. I eat my food while I feed him as
6 we talk. I have a snack, generally a lot of times we have
7 a banana. I take a bite half of it and he gets the other
8 half.

9 Q Minor was in Robert's care and custody
10 during the day on a daily basis?

11 A Yeah.

12 Q Was there anybody else in the house with
13 Robert when you were at work?

14 A As far as I know, no, always him by
15 himself.

16 Q Let me ask you about July 14th, what time
17 did you get up that morning?

18 A I think I was up about 4:15 that morning.

19 Q And what did you do?

20 A I got up, got ready and went to work.

21 Before I leave I always check on Minor he was asleep in
22 his bed, go outside, jumped in the truck, and went to work.

23 Q Do you know what time you clocked in at
24 work that day?

25 A No, I'd have to see my time card.

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1 Q Okay, let me hand you what's been marked
2 for identification purposes as State's Exhibit 63 for I.D.,
3 and ask you if you recognize this document?

4 A Yes, this is my time card from work.

5 Q Okay, it has your name on it?

6 A Yes, it does.

7 Q Okay, does that time card appear to be
8 accurate or does it appear to have been altered in any way
9 from when you initially used it?

10 A No.

11 Mr. Galtmore: Your Honor, I would at this time
12 move to have State's Exhibit 63 for I.D. entered into
13 evidence as Defendant's next exhibit.

14 Ms. Lively: Well, Your Honor, obviously I've
15 marked it and I wanted it in there so that's perfectly
16 fine.

17 Ms. Grabert-Lowenstein: Objection, hearsay.

18 The Court: All right, I'm going to allow it.
19 This witness can identify it and it appears to be what it
20 is, it is well founded the admission under Rule 803.

21 (Whereupon, State's Exhibit Number 63 remarked as
22 Defendant Gorman's Exhibit Number 4 and entered into
23 evidence and Defendant Gorman's Exhibit Number 5 marked for
24 identification.)

25 Mr. Galtmore: (Continuing)

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1 Q Ms. Gorman, does Defense Exhibit Number 4
2 show what time you went to work on the morning of July
3 14th, 2008?

4 A Yes, it shows I clocked in at 6:00 in the
5 morning.

6 Q Okay, and what time did you clock out that
7 day?

8 A 3:45.

9 Q Were you at work all day?

10 A Yes.

11 Q Did you leave and sneak home in the middle
12 of the day?

13 A No.

14 Q You, you got off at 3:45; is that correct?

15 A Yes, that's what time I clocked out.

16 Q What, what did you do after you clocked
17 out?

18 A After I clock out I got to walk from the
19 back, our clock is in the back of the building, back of the
20 Bass Pro Shop, so you got to walk all the way from the back
21 all the way to the front, so you tend to get stopped by
22 customers. You got to stop and help people, and so it
23 takes you probably about ten, ten to fifteen minutes to get
24 from the back to the front, and then to get outside you got
25 to walk to the side of the building to get to your vehicle.

1 Q I understand the Bass Pro Shop is a pretty
2 big place?

3 A It is.

4 Q Is it routine that customers will stop you
5 on the assumption that you're still on the clock?

6 A Yes, sir, cause you still have your work
7 shirt on and your name tag.

8 Q What time did you clock out again?

9 A I clocked out at 3:45.

10 Q Did you go immediately home after you
11 clocked out?

12 A Yes, I went home first.

13 Q What route did you take to get from Bass
14 Pro Shops to your house?

15 A I take Highway 22 to 319 to Golden Leaf
16 Road to Highway 129.

17 Q How long does that ride generally take?

18 A Take me about forty-five, fifty minutes, I
19 think.

20 Q Okay, so you got off at 3:45, takes a few
21 minutes to walk through the store, got in the car and you
22 headed home, and it takes about forty-five minutes for you
23 to get home; would it be fair to say that you got home
24 maybe 4:30 to 4:45?

25 A Could be.

Ms. Gorman - Direct Examination by Mr. Galmore

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1 Q Now when you got home what did you do?

2 A Came inside and asked Robert where Minor
3 was; he told he was taking a nap, walked to the door,
4 walked to the bedroom door, saw Minor was laying down in
5 the bed in the port a crib, walked away and talked to
6 Robert for a minute and I went to IGA. I left the house
7 and went to IGA, grabbed us something to eat for dinner,
8 and then I stopped at, I left there and I stopped at the
9 video, the video store and I picked up a movie, and then I
10 came back to the house, come back inside and I cooked our
11 dinner and then we decided we would sit down and have
12 dinner first before we woke up Minor

13 Q And so you said that when you got home the
14 first you said was where was Minor

15 A Uh-huh, yes.

16 Q And you looked in on him?

17 A Yes.

18 Q What was his condition?

19 A He was asleep.

20 Q Well during the day on the 14th did you
21 have occasion to call home and check on Minor

22 A No, Robert calls me at work, tells me ---

23 Q Robert calls you?

24 A Yes.

25 Q So did you have an occasion to talk to

Ms. Gorman - Direct Examination by Mr. Galmore

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1 Robert about Minor during the day on the 14th?

2 A Yeah, Robert called me at work, he called
3 me in the morning and he called me in the afternoon.

4 Q What was Minor doing?

5 A He was just telling me what he had for
6 breakfast and what he had for lunch and then he told me
7 they were taking their naps.

8 Q Did they go out anywhere on the 14th?

9 A No, he never claimed they went anywhere.

10 Q So they were at home alone all day on the
11 14th?

12 A Yes.

13 Q So you got home from work and the first you
14 did was check on Minor

15 A Yes.

16 Q Did you pick him up when you first walked
17 through the door?

18 A No.

19 Q Why didn't you pick him up?

20 A Cause he was asleep.

21 Q Let him take his nap?

22 A Let him take his nap.

23 Q I think you testified that you left the
24 house to go get something to eat?

25 A Yes.

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1 Q Go get dinner at the IGA is what you said?

2 A Yes.

3 Q When you left the house what time do you
4 think that would have been? Let me ask it like this, how
5 long do you think you were at home after you got off work
6 when you said you went in and looked in on Minor and he
7 was asleep?

8 A I may have been home maybe ten minutes.

9 Q Okay?

10 A And then leave and went to the store and
11 maybe was in the store maybe fifteen minutes and just ---

12 Q Okay, so you were home maybe ten minutes
13 and then to the IGA?

14 A Then I went to the IGA.

15 Q Let me hand you what's been marked for
16 identification purposes as Gorman Defense Exhibit Number 5
17 and ask you if you recognize this document?

18 A Yes, it's a check I wrote.

19 Q Okay, and what is the date that the check
20 was written?

21 A July 14th, 2008.

22 Q And who is the check made payable to?

23 A IGA.

24 Q And whose signature is on the check?

25 A My signature.

1 Q So you wrote that check?

2 A Yes, sir.

3 Q Does that check appear to be altered or in
4 any way since you wrote it?

5 A No, sir.

6 Mr. Galmore: Your Honor, at this time we would
7 move for Defense Exhibit Number 5 to be entered as Defense
8 next ---

9 The Court: Ms. Lively?

10 Ms. Lively: No objection.

11 Ms. Grabert-Lowenstein: No objection.

12 The Court: Marked without objection.

13 (Whereupon, Defendant Gorman's Exhibit Number 5
14 entered into evidence.)

15 Mr. Galmore: (Continuing)

16 Q Okay, so you went to IGA after coming home,
17 how long did it take you to get to the IGA?

18 A It takes me probably about five minutes.

19 Q It's not that far from your house?

20 A No.

21 Q So then you, you said you get home maybe,
22 was it 4:45 you said you think you got home?

23 A Could be.

24 Q And how long were you at home when Minor
25 was asleep?

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1 A About ten minutes.

2 Q Ten minutes, okay, and thereafter you left
3 the house to go to the IGA?

4 A Yes.

5 Q And it took five minutes in your estimation
6 to get there?

7 A Yes.

8 Q So at this point we're talking maybe 5
9 p.m.?

10 A Okay.

11 Q Is that accurate?

12 A You could, yeah.

13 Q What did you do when you were at the IGA?

14 A I went and bought groceries for dinner.

15 Q You walked up and down the aisles of the
16 grocery store?

17 A Yes.

18 Q Did Robert go with you?

19 A No, he stayed home.

20 Q Did Minor go with you?

21 A No, Minor was asleep.

22 Q You were at the IGA by yourself?

23 A Yes.

24 Q How long do you think it took you to get
25 dinner from the grocery store?

1 A Could be about fifteen, twenty minutes I
2 think I was there.

3 Q And I think we heard that ya'll had tacos
4 for dinner that night?

5 A Yes, that's what he said.

6 Q So you were in the grocery store for maybe
7 fifteen minutes?

8 A Yeah, could be, fifteen, twenty minutes.

9 Q And you wrote this check?

10 A Yes, I wrote this check.

11 Q Have you had occasion to look at that check
12 prior to coming to court?

13 A Yeah, I've seen the check before.

14 Q Does the check have any markings on the
15 back?

16 A Yes, it does.

17 Q Does it have a date stamped on the back?

18 A Yes, it has a few check stamps on the back.

19 Q Okay, because usually when you pay for
20 something by check the cashier has to run it through the
21 cash register?

22 A Yes.

23 Q Was that done in this case?

24 A Yes.

25 Q Does the check have a time on it when it

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1 was run through the cash register?

2 A Yes.

3 Q What is that time?

4 A Well it says 15:52.

5 Q What does that translate to for us non
6 military?

7 A 3:52.

8 Q Okay, now were you at the IGA at 3:52 p.m.?

9 A No.

10 Q Why do you feel that you weren't at the IGA
11 at 3:52 p.m.?

12 A Because I clocked out at work at 3:45 and
13 there's no way that I can be at IGA at 3:52 cause I work
14 thirty five miles just away from my house.

15 Q Okay, so the check says 3:52, would it be
16 fair to say that maybe you cashed that check at 4:52?

17 A Yes, that's possible.

18 Q So you're cashing out at IGA at 4:52, where
19 did you go from there?

20 A Then I went to the video store.

21 Q And what video store would this be?

22 A It's called Island something.

23 Q Okay, let me ask it like this, is it the
24 video store that's in Aynor?

25 A Yes, it's probably the only video store in

1 Aynor on Main Street.

2 Q Are there several video stores in Aynor?

3 A No, I believe it's the only one.

4 Q Okay, so you left the IGA and you went to
5 Aynor's local video store?

6 A Yes.

7 Q How long would it have taken you to get
8 from the IGA to the, to the video store?

9 A Just a couple of minutes, it's just around
10 the corner.

11 Q Aynor is not that big?

12 A No.

13 Q Okay, how long were you in the video store?

14 A Maybe five, ten minutes.

15 Q So we're talking maybe five after five?

16 A Yes.

17 Q From the video store where did you go?

18 A I went home.

19 Q How long would it have taken you to get
20 back home from the video store?

21 A Probably about five minutes.

22 Q Okay, and what did you do when you got
23 home?

24 A I walked in the house, put the stuff down
25 and started cooking dinner.

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1 Q Was anybody in the house when you got home?

2 A Just Robert and Minor

3 Q When you got home from the video store and
4 the IGA did you go in and check on Minor

5 A No.

6 Q Why not?

7 A I started cooking dinner.

8 Q Okay, tacos?

9 A I guess I didn't feel I needed to. I just
10 started prepping for dinner because I knew I needed to wake
11 him soon so he can eat cause it was getting dinner time.

12 Q Is it fair to said that you wanted to sort
13 of get dinner out the way before getting him up?

14 A Yes.

15 Q Did you make dinner?

16 A Yes, I did.

17 Q How long did it take you to make dinner?

18 A Twenty minutes.

19 Q Okay?

20 A Half hour.

21 Q Did Robert assist you in making dinner?

22 A No.

23 Q Does he generally assist you in making
24 dinner?

25 A Sometimes.

1 Q Okay, so you made dinner and you said it
2 took, how long did you say?

3 A Twenty, thirty minutes.

4 Q Okay, so we're talking maybe 5:30 at this
5 point?

6 A Yes.

7 Q All right, what did you do after that?

8 A We talked about if we wanted to wake Minor
9 up right then and there and sit down and eat with us or if
10 we would just sit down and eat together and then we'd wake
11 him after, you know, and just be able to tend to him by
12 himself; and so we agreed that we would just sit down and
13 have that moment and just eat two adults eat together. So
14 we did that, so we sat down and we ate together and as an
15 adult you would just have that adult conversation for a
16 while, and then after we finished eating I cleaned up and I
17 started making Minor plate, prepping his plate before I
18 go wake him up.

19 Q So you and Robert started eating at
20 approximately 5:30?

21 A Give or take, yeah.

22 Q Do you recall how long it took you to eat?

23 A No.

24 Q Okay, and after you ate you said that you
25 started prepping his plate?

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1 A Yes.

2 Q All right, what did you do after you had
3 Minor plate prepared?

4 A After I had Minor plate prepared I went
5 down the hallway to go get Minor

6 Q And what did you observe?

7 A When I walked into the bedroom to get
8 Minor he was laying on his side and he was breathing
9 really funny. He was heavy, he had like saliva hanging out
10 of his mouth, and I didn't know what was wrong. I didn't
11 know if he was choking, so I picked him up real quick,
12 flipped him over my arm, and all of a sudden he was just
13 seizing. I called Robert, I said something was wrong, you
14 need to call 911. He took him from me; I grabbed the first
15 phone I can find to call 911.

16 Q Just a minute. When you said flipped him
17 over your arm, he had saliva in his mouth, and you called
18 Robert, how long did it take for Robert to get to the room
19 that you were in?

20 A Seconds.

21 Q So when you were walking down the hall
22 going to get Minor up for dinner where was Robert?

23 A Well at one point he took the dog outside
24 to use the bathroom so he could have been already back
25 inside the house, I mean our house isn't big.

1 Q By the time you called for Robert he was
2 right there?

3 A Yes.

4 Q Did you see if Robert took the dog out?

5 A He had taken the dog out while I was
6 prepping the food.

7 Q Okay, by the time you got down the hall to
8 Minor Robert was close enough to respond within seconds?

9 A Yes.

10 Q I think you said that once Robert came in
11 you called 911?

12 A Yes.

13 Q And why did you do that?

14 A There was something wrong with him, I
15 didn't know what was wrong.

16 Q It was readily apparent to you that
17 something was wrong?

18 A Yes.

19 Q Because you said he was, had saliva in the
20 mouth and he was seizing?

21 A He was, he was seizing.

22 Q How long after you called 911 did the first
23 responders get to your house?

24 A Oh, my gosh, it was about like forever, it
25 went I guess any time there's an emergency time you expect

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1 for somebody to come it feels like it takes forever, but
2 they got there and the one man took Minor from him and
3 they put him on the floor and then another lady said his
4 body was hot, she needed wet rags, so I went into the
5 kitchen and I was throwing, we were throwing the rags back
6 and forth from the living room to the kitchen making them
7 wet, cold, to put on his body to bring his temperature
8 down, and then the next truck came and, and they put him on
9 a --

10 Q Stretcher?

11 A Thank you, a stretcher and they put him in
12 the ambulance and I rode with the ambulance to Conway.

13 Q Well let me ask you this, did you strike
14 and injure Minor

15 A No.

16 Q Any time during that day on the 14th did
17 you strike Minor

18 A No.

19 Q Any time in the three days prior to the
20 14th did you strike Minor

21 A No.

22 Q And when you saw him in the crib and you
23 called 911 did you attempt any resuscitation efforts, CPR
24 or anything like that?

25 A No. I just flipped him over my arm cause I

1 thought he was maybe choking so I didn't want him to choke.

2 Q So you called 911?

3 A I called 911.

4 Q And waited on help?

5 A Yes.

6 Q Okay, now they took Minor to the hospital,
7 my understanding that you rode in the ambulance as well?

8 A Yes.

9 Q There was a comment made that you had
10 several kids and this was, well a bad one, I think that was
11 the comment?

12 A That's what she said.

13 Q Do you recall making the comment?

14 A Don't recall making the comment, if it was
15 a comment surely wasn't saying that he was bad, this is bad
16 this seizure, this incident is bad.

17 Q Was Minor a bad child while he was with
18 you?

19 A Minor wasn't a bad child.

20 Q Did you have any reason to punish or
21 discipline Minor while he was with you?

22 A Not that kind of discipline. We, I'd put
23 him in his room because he, if he whined a lot we would put
24 him in there to help him sit down for a moment, didn't get
25 spanked or anything like that and then I'd go back in there

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1 and we'd start again bring him back out, sit him back on
2 the floor. We'd play again and start all over.

3 Q Did you use corporal punishment on Minor

4 A No.

5 Q Ever?

6 A No.

7 Q All right, so you rode in the ambulance to
8 Conway Medical Center?

9 A Yes.

10 Q And what happened after that?

11 A Arrived at the hospital, they were, they
12 brought him in, got him into the unit there. They asking
13 all kinds of questions, I didn't know what was going on. I
14 was asking all kinds of questions, what's wrong with him,
15 they wouldn't answer my questions. I didn't know what was
16 wrong. They had, they had like, like a tong you put in
17 your mouth like you were going to check someone's throat.
18 They had it liked taped to his arm because they couldn't
19 put like --

20 Q I.V.?

21 A I.V. in his arm because they said they
22 couldn't keep him straight and, and you couldn't touch him
23 at first cause they kept telling you to stay away for a
24 minute, and then finally they let you get close to him and
25 you would talk to him and he would, he would, you know,

1 move and you would just talk to him trying to get him to
2 listen to you and then they'd go take x-rays and we went
3 back and we took x-rays with him if you can stand close to
4 him while we did the CAT scans, so we did all the x-rays.
5 I never missed anything that dealt with Minor I was with
6 everything and then we went back.

7 Q So you were there when they did the cat
8 scans?

9 A Yes.

10 Q And you literally standing right next to
11 the machine?

12 A Yes.

13 Q And you were there when they did the x-
14 rays?

15 A Yes.

16 Q Was Minor conscious for any of this?

17 A I don't know if he was conscious or not, I
18 just know I was there. I had that thing you had to put on
19 you when you ---

20 Q The apron?

21 A Yes.

22 Q Well I guess what I'm saying is was he
23 talking to you?

24 A No.

25 Q When you found him in the crib was he

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1 talking with you?

2 A No, he was just making that noise and I
3 thought he was choking.

4 Q Did you talk with Minor any time this day
5 on July 14th?

6 A I talked to him when I left, flipped him
7 over my arm I said, baby, come on, what's wrong with you.

8 Q Okay, yes, ma'am, I guess I didn't ask the
9 question correctly, did Minor talk to you, did he interact
10 with you at any time on July 14th?

11 A No.

12 Q All the time you saw him he was, according
13 to you, asleep until you found him having a seizure?

14 A Yes.

15 Q Once you got to the hospital I guess things
16 got a little hectic?

17 A Yes.

18 Q Were doctors and nurses talking to you and
19 asking you what happened?

20 A Yes.

21 Q Did there come a time where any police
22 officers came and talked to you and asked you what
23 happened?

24 A Yes.

25 Q Tell us about that?

1 A One police officer came, I was told a 911
2 call was made by Richard, the father. I talked to that
3 police officer and he ---

4 Q Was that Troxell or Weaver?

5 A No, no, it was anther police officer.

6 Q It wasn't Weaver either?

7 A No, it was just a Conway police officer.

8 Q A uniform police officer?

9 A A uniform police officer, talked to that
10 police officer, and he had told me that a detective would
11 be coming and I said, okay. He said that was just
12 protocol, I said okay, and he let us go back, you know,
13 into the room and we stayed with Minor and then Detective
14 Weaver came and took me into a room, talked to him
15 privately; and then I went out and then Robert went in
16 there and spoke to Detective Weaver and he says, I know you
17 guys want to get to Charleston as fast as you can, so we,
18 you know, I didn't get to say goodbye to Minor before he
19 went to Charleston.

20 Q They were already --

21 A Cause they were already gone.

22 Q Oh, so while you were talking to Weaver
23 they were shipping him out?

24 A Right.

25 Q Okay, and how long would you say you talked

Ms. Gorman - Direct Examination by Mr. Galmore

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1 to Detective Weaver at the hospital?

2 A I don't know, twenty minutes, thirty
3 minutes, I don't know.

4 Q Do you know if Detective Weaver talked with
5 any of the doctors or nursing staff at the hospital?

6 A If he did it was not to my knowledge.

7 Q Did Detective Weaver accuse you of striking
8 Minor and causing these injuries?

9 A At Conway Hospital?

10 Q Yes, ma'am?

11 A No, sir.

12 Q So Minor was then taken down to MUSC,
13 right?

14 A Yes.

15 Q And how did you get to MUSC?

16 A We drove.

17 Q You and Robert?

18 A Yes.

19 Q How long did it take you to get down to
20 Charleston?

21 A Less than two hours.

22 Q And what did you do once you got to MUSC?

23 A Went straight to the hospital, went up
24 straight to ICU.

25 Q Did you contact any family members to let

1 them know what was going on?

2 A I called my mom and I called Richard.

3 Q When did you call your mother in this whole
4 sequence of events?

5 A I called my mom when I was at Conway
6 Hospital.

7 Q Okay, and when did you call Richard?

8 A When I was at Conway Hospital.

9 Q Did you call Cesalee?

10 A No.

11 Q Why didn't you call Cesalee?

12 A I was angry. I really truly thought she
13 had something to do with it cause when she left my house
14 she had the opportunity of taking her son numerous times
15 and she didn't want to take him; and what I mean by that is
16 when she left to go to Arizona every time when I was taking
17 them to the airport I asked her numerous times we can go
18 back and pick him up and you can take him, she said, no, so
19 I just felt like you just wiped your hands clean of him, I
20 was like what did you do.

21 Q Your immediate thoughts was that Cesalee had
22 something to do with this injury?

23 A Yes, I immediately thought my child did
24 something wrong to her own child.

25 Q Once you let your mother know were there

Ms. Gorman - Direct Examination by Mr. Galmore

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1 any decisions about whether or not she was going to come to
2 South Carolina?

3 A Oh, I didn't know if my mom was coming or
4 not, I just know I'd keep my mom informed of what was going
5 on.

6 Q What about Richard, was there any decisions
7 made about whether he was going to come?

8 A I didn't know anything what they were going
9 to do. As I told him I said, you know, if I knew something
10 I would tell him, you know.

11 Q Would it be fair to say that you weren't
12 having that discussion about if they're going to come or
13 not?

14 A It wasn't the discussion I was having. I
15 mean it's not, it's not that I didn't want them there it's
16 their son, you know, I would expect them to be there, but
17 right now in the position I was in was, was Minor I
18 needed to make sure he was okay.

19 Q Well do you recall what time you got down
20 to Charleston?

21 A It could have been about midnight, 1:00 in
22 the morning, I don't know.

23 Q And how, how long were you down there
24 before you got a chance to leave and come back home?

25 A I left Charleston Wednesday briefly to come

1 home to get my car and go back.

2 Q And when you went to Charleston what
3 vehicle were you in?

4 A We were in Robert's truck.

5 Q Okay, so you got down to Charleston maybe
6 around midnight Tuesday morning and you stayed down there
7 until Wednesday when you left to go get your car in Conway
8 and come back?

9 A Yes.

10 Q While you were in Charleston did you have
11 an opportunity to visit with Minor

12 A Yes.

13 Q And what was his condition?

14 A Very critical, he had tubes everywhere,
15 monitors everywhere; he just laid in that bed.

16 Q Was there anything you could do for him?

17 A Just hold him and tell him how much I loved
18 him.

19 Q Did there come a time while you were in
20 Charleston when DSS came and talked to you?

21 A Yes.

22 Q That would have been Ms. Brown that
23 testified earlier?

24 A Yes.

25 Q Did anyone else come and talk with you?

Ms. Gorman - Direct Examination by Mr. Galmore

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1 A Detective Troxell came and talked to me;
2 Dr. Abel she came and talked to me.

3 Q Did anybody tell you what was going on with
4 Minor

5 A I don't know.

6 Q Okay, okay, so you spoke with Ms. Brown?

7 A Yes.

8 Q And you spoke with Detective Troxell?

9 A Yes.

10 Q Who's sitting right here, and you spoke
11 with who else?

12 A Dr. Abel.

13 Q Dr. Abel?

14 A Yes.

15 Q What type of discussions were you having
16 with these people?

17 A They were just asking me questions about
18 the day, asking me what I did that day, I think what I did
19 the day before.

20 Q Was this at midnight on Tuesday morning or
21 did they wait till 8, 9 a.m. on Tuesday morning?

22 A It would have been some time Tuesday, some
23 of it was Tuesday afternoon. I know I had been up since
24 Monday morning before, you know, before I went to work so I
25 had had no sleep for at least over forty hours.

1 Q Now any of these three people did they come
2 at you at one time?

3 A I think, I think Dr. Abel and Troxell could
4 have been at the same time, I don't know if they were at
5 same time or if they were separately. Ms. Brown was at a
6 different time. It just, they were just, it just felt like
7 it was just like here, here, here, and here. I don't know
8 if it was just in increments quickly or if it was a five
9 minute break or just --

10 Q Would it be fair to say that throughout the
11 day people were coming and asking you questions?

12 A Yes.

13 Q And did you answer their questions?

14 A Yes.

15 Q Did you refuse to answer anyone's
16 questions?

17 A No.

18 Q Did you have any idea what happened to

19 Minor

20 A No, I just knew he had fractures, that's
21 all I knew.

22 Q Okay, so somewhere along the line somebody
23 told you he had fractures?

24 A I knew that from Conway.

25 Q Okay?.

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1 A The doctors in Conway that's all I knew.

2 Q Okay, do you have an explanation for how he
3 received these fractures?

4 A No, I do not.

5 Q Okay, so we've heard testimony about a
6 stroller, did you tell any of these people that the
7 stroller may have been responsible for it?

8 A Yes, I did.

9 Q And why did you make that claim?

10 A Because of the fact he was in it and he
11 fell backwards in the stroller down the stairs and he was
12 in it and he hit his head going to down the stairs.

13 Q So you observed what you thought could be a
14 head injury when he was in the stroller?

15 A Yes.

16 Q And you relayed that information to these
17 law enforcement officials?

18 A Yes.

19 Q There's also a claim about the dog?

20 A Yes.

21 Q Did you tell these people that the dog may
22 have done it?

23 A Yes.

24 Q And why did you tell them that the dog did
25 it?

1 A Well my dog weighs like sixty-five pounds.
2 Minor only weighs like maybe twenty, so if my dog knocks
3 you over it's pretty impactful. I'm not trying to blame my
4 dog but I mean he has knocked him over and knocked him into
5 the kennel or, you know, I mean I don't know if, you know,
6 you don't have the dog or Minor in your sight twenty-four/
7 seven. If the dog knocked him over without us sighting him
8 you don't always know, you know.

9 Q Now when you told them the dog may have
10 done it, had anybody previously talked to you about the
11 extent of Minor injuries?

12 A No, all I knew was just the head fractures.

13 Q So you didn't know how severe these
14 fractures were?

15 A No.

16 Q Now it's my understanding that you were
17 with Minor the day before at the pool?

18 A Yes.

19 Q Did you observe Minor injure himself at
20 the pool?

21 A No.

22 Q What did you observe about Minor
23 behavior at the pool, his demeanor?

24 A That he was lethargic. He just didn't act
25 like a normal seventeen, sixteen month old little boy, just

Ms. Gorman - Direct Examination by Mr. Galmore

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1 thought maybe there was just something, could have been
2 something more mentally wrong with him, like he just didn't
3 have the right growth as a, as a, as an infant, as a
4 toddler. So I was calling his doctor on Monday and I did
5 and scheduled an appointment for him so he can be checked
6 cause if there was something wrong with him I wanted him to
7 be treated so that way he could, you know, he could have
8 the right care to where if there was anything physically
9 wrong with him or mentally wrong with him, you know, if he
10 had any special things he needed to be treated for we could
11 take care of that and learn about it now than later.

12 Q You said you called the doctor on Monday?

13 A I did, I talked to the doctor, doctor's
14 office on Monday and had an appointment for him on Tuesday.

15 Q That would have been Monday the 14th?

16 A Yes.

17 Q Why were you calling the doctor on Monday
18 the 14th?

19 A Because I felt there was something wrong
20 with him on Sunday, he just wasn't acting right, so I was
21 making an appointment for him to go. They could have seen
22 him on Monday but I was at work so I couldn't get him there
23 so they said they was, you didn't feel it was extreme,
24 Monday it just felt he just wasn't acting right so they
25 said I can bring him in on Tuesday. I had Tuesday off so I

1 could bring him Tuesday.

2 Q Would it be fair to say that you felt like
3 Minor really wasn't acting right the majority of the time
4 that he was here with you?

5 A Yes, just seemed like after his mom left he
6 kind of went to like a depression.

7 Q And this would have been for how long, well
8 how long did you observe these not acting like symptoms?

9 A Well you knew, well it just kind got worse
10 after his mom left, you know, he wasn't acting right when
11 she was there and he was sick. He didn't talk; he head
12 butted things, he bit, he hit, he pinched, he just, you'd
13 have to put your hands to cover things so he wouldn't do
14 it, put his, you put your hand over your leg so he
15 wouldn't, you know, pinch himself or anything tell him, no,
16 we don't do those things.

17 Q Did you relay this information to the
18 people that were coming to ask you questions?

19 A I believe so.

20 Q Now when you told them that he wasn't
21 acting right, lethargic, pinching himself, again were you
22 aware of the extent of Minor injuries?

23 A No, I just knew he just had to have
24 fractures.

25 Q You knew they were asking questions and you

Ms. Gorman - Direct Examination by Mr. Galmore

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1 were trying to provide answers?

2 A Yes.

3 Q And that would have been on Tuesday?

4 A Yes.

5 Q Okay, I think you testified Wednesday you
6 left the hospital long enough to come back to Horry County
7 to get your car and drive back down?

8 A Yes, on Wednesday I was coming home to get
9 my car and Detective Weaver and Troxell came to my house
10 and took pictures.

11 Q Well did they know when you were coming
12 home?

13 A I called them and told them I was going
14 home to get my car.

15 Q Okay, so you made them aware of your
16 whereabouts?

17 A Yes, I did.

18 Q So all these pictures we have of the house
19 and measurements and things like that that was done on
20 Wednesday when you were home long enough to pick up your
21 car and go back to Charleston?

22 A Yes.

23 Q Now they took pictures of your dog?

24 A Yes.

25 Q Why did they take pictures of your dog?

1 A Because I made mention, you know, because
2 my dog had knocked down Minor before.

3 Q They took pictures of the stroller?

4 A Yes.

5 Q Why did they take pictures of the stroller?

6 A Because we made mention that Minor had
7 been knocked down in the stroller before down them steps.

8 Q How long was Troxell and Weaver at your
9 house on Wednesday?

10 A I don't know but I felt it was long because
11 I was trying to get back to Charleston.

12 Q Yes, ma'am, did they talk with you or
13 interview you while you were at the house on Wednesday?

14 A They probably asked some questions, I don't
15 really know. I was packing and trying to leave.

16 Q Did you answer their questions?

17 A Yes.

18 Q Were you truthful in your answers to their
19 questions?

20 A Yes.

21 Q After you spoke with them you came back to
22 Charleston again?

23 A Yes.

24 Q Okay, had any other family members come to
25 Charleston by then?

Ms. Gorman - Direct Examination by Mr. Galmore

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1 A Richard was in Charleston.

2 Q When did Richard get to town?

3 A He got there Tuesday.

4 Q Okay, did Cesalee eventually come to
5 Charleston?

6 A She got there Thursday.

7 Q Did your mother come to Charleston?

8 A She got there Thursday.

9 Q Would it be fair to say that the whole
10 family came down?

11 A Yes.

12 Q Wednesday when you got back to the hospital
13 Richard was there?

14 A Yes.

15 Q Did you have an opportunity to visit with
16 Minor after you got back to the hospital on Wednesday?

17 A Yes, I went back and I called Richard and
18 told him I was back and we went back up and I went and saw

19 Minor and everything and I asked Richard if he'd like a
20 break and, you know, I took him out and we went and had
21 dinner, I just, you know, kind of give him a break and
22 everything.

23 Q So when did you finally leave Charleston?

24 A I left Thursday evening after, after
25 Cesalee arrived and talked to her for a little bit and then

Ms. Gorman - Direct Examination by Mr. Galmore

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1 after my mom, after I went and picked up my mom, and talked
2 to her and told her everything that I knew and everything
3 and got them all situated and then I went back home
4 Thursday evening; and I said if you needed me I was only
5 just, you know, a half away I could be right back.

6 Q And I think we saw on that interview that
7 you went out to Fatz and, and Beef O'Bradys, would that
8 have been Wednesday night?

9 A No, that would have been Thursday evening.

10 Q Thursday?

11 A Yes.

12 Q Okay, Thursday is when you left Charleston
13 and come back up here?

14 A Yes, just didn't want to be home; I didn't
15 want to be in the house.

16 Q So Robert was with you the entire time?

17 A Yes.

18 Q Thursday night you went out and shot some
19 pool and --

20 A Yes.

21 Q Tried to get this out of your mind for a
22 little while?

23 A Yes.

24 Q Now the detective came and interviewed you
25 on Friday; is that correct?

Ms. Gorman - Direct Examination by Mr. Galmore

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1 A Yes.

2 Q Do you know what time they came to your
3 house that day?

4 A It could have been 8, 9:00 in the morning
5 they came to my house.

6 Q And they said we need you to come down to
7 the station with us?

8 A Yes, it was my understanding it was to, I
9 was supposed to give them some other information. During
10 the week while I was in Charleston I was talking back and
11 forth with Detective Weaver, you know, just whatever
12 information I was giving, like if Richard and I were
13 talking then I would tell Detective Weaver whatever he was
14 telling me or, you know, vice versa, and so I was, my
15 understanding is I was supposed to be coming to give a
16 statement on all that stuff. I didn't know I was coming in
17 to redo another interview.

18 Q Okay, and you took that book down there
19 with you?

20 A Yes.

21 Q What was in that book?

22 A Just some personal stuff of Cesalee's that
23 she, when she was in school it was to because of the fact
24 that I really thought she had something to do with the
25 infliction it had that some medical history.

1 Q Cesalee's medical history?

2 A Cesalee's medical history.

3 Q Okay, you went down there on Friday at
4 their request?

5 A Their request.

6 Q And you gave a statement?

7 A Yes.

8 Q And they asked you if you did it?

9 A Yes.

10 Q Did you say, yes, I did it?

11 A No.

12 Q Well what was that all about on the tape
13 when they were asking you is it possible that you did it?

14 A I think you were just so tired and drawn
15 out and, and just messed with your head, messed with my
16 head for so long and I was just tired.

17 Q Let me be very specific, did you strike
18 Minor and cause these injuries?

19 A No.

20 Q Did you tell the detectives that you struck

21 Minor

22 A No.

23 Q Why did you give this demonstration with
24 the leprechaun?

25 A I don't know. I think they said show me

Ms. Gorman - Direct Examination by Mr. Galmore

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1 how you did this and I just reacted to it.

2 Q But by saying that are you saying that you
3 shook Minor.

4 A No.

5 Q Did you shake Minor at any time?

6 A No.

7 Q Now I noticed on that tape that you asked
8 to take your medicine?

9 A Yes.

10 Q What medicine were you taking?

11 A Xanax.

12 Q Is that a prescribed medication for you?

13 A Yes.

14 Q And what is Xanax for?

15 A I have anxiety, just kind of --

16 Q It's anti-anxiety?

17 A Yes.

18 Q Do you know if it is a controlled
19 substance?

20 A Yes.

21 Q You got to sign for it when you go to the
22 pharmacy?

23 A Yes.

24 Q You got to show your I.D. to get it?

25 A Yes.

1 Q Detective Troxell knew that, right?

2 A Yes.

3 Q Did he have an opportunity to look at your
4 pill bottle?

5 A Yes, he did.

6 Q Did your pill bottle clearly say Xanax on
7 the front of it?

8 A Yes, it does.

9 Q Do you know whether Minor in fact got up
10 and ate breakfast on the morning of the 14th and then got
11 up and ate lunch on the afternoon of the 14th?

12 A No, I was just told it over the phone.

13 Q And you were told that by whom?

14 A Robert.

15 Q Did you independently verify whether Minor
16 got up and had breakfast that morning?

17 A No, I was at work.

18 Q Did you independently verify whether Minor
19 got up and had lunch that day?

20 A No, I was at work.

21 Q We've heard some discussion about the state
22 of the finances in your household; can you tell this jury
23 who was paying the bills of the household?

24 A The majority of the time I was.

25 Q Now Robert wasn't unemployed the entire

Ms. Gorman - Direct Examination by Mr. Galmore

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1 time that you knew him?

2 A No.

3 Q When you first met him he was still in the
4 Navy?

5 A Yes.

6 Q When you met him you were in Virginia at
7 the time?

8 A Yes.

9 Q So you and Robert met in Virginia?

10 A Yes.

11 Q After his discharge from the Navy what did
12 you do?

13 A After his discharge in the Navy he asked me
14 to move here, so myself and my two children we moved here.
15 We got a house, I got a job within two weeks, and I was
16 working.

17 Q That would be Kyle and Kayla?

18 A That would be Kyle and Kayla, yes.

19 Q So they were living with you in Virginia
20 also?

21 A Yes, they were living with me in Virginia
22 as well.

23 Q Now you said you got a job within two
24 weeks; how long was it before Robert got a job?

25 A I don't know.

1 Q Did Robert have a job after discharge from
2 the Navy?

3 A No.

4 Q So you're saying he never worked?

5 A He did work but he didn't have a job right
6 after he got out of the Navy.

7 Q Okay, but at some point after the discharge
8 from the Navy he found employment?

9 A Yes.

10 Q So he was contributing to the household as
11 well?

12 A Yes.

13 Q When did Robert loose his job?

14 A I don't know the exact dates. His last job
15 was Market Commons and he was working there before it
16 opened. He was working for an electrical company.

17 Q Do you recall how long before these
18 injuries to Minor when the last time was Robert was
19 working?

20 A I don't understand the question?

21 Q Okay, well we have a time frame, we know
22 when Minor was injured and that was July 14th --

23 A Okay.

24 Q When was the last time prior to that that
25 Robert had a job?

Ms. Gorman - Direct Examination by Mr. Galmore

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1 A Robert hadn't had a job probably for, he
2 didn't have a job when Cesalee got here so that was a month
3 and he probably didn't have a job prior to that, it was
4 probably not for a couple of months.

5 Q Okay, for a couple of months, so what was
6 Robert doing all day when you were at work?

7 A When Minor was there he was attending to
8 him.

9 Q Right, before Minor got here?

10 A Looking for a job.

11 Q Once Minor got there it was decided that
12 you all would take care of the situation by you working and
13 him taking care of Minor

14 A Yes.

15 Q Had you had any concerns about Robert being
16 around your grandson?

17 A No.

18 Q Now we've heard mention that you were
19 driving his truck?

20 A Yes.

21 Q Explain those circumstances to the jury?

22 A The reason why I was driving his truck was
23 my car got hit by a deer and my car was in the shop being
24 fixed.

25 Q And when was this in relation to when

1 Cesalee came and all of that?

2 A It happened while Cesalee was here so my
3 car was just in the shop for a couple of weeks getting
4 fixed.

5 Q Okay, so during that time you were driving
6 his car or his truck because your car was in the shop?

7 A Yes.

8 Q That's the car you're referring to when you
9 said you had to come back home on Wednesday and pick up
10 your car?

11 A Yes, it was getting out of the shop so I
12 can go pick it up and go back to Charleston.

13 Q Okay, so while Robert was watching ^{Minor}
14 what typically would they do on an average day?

15 A I don't know. I'm not home, just I would
16 assume play with the toys in the house. They can go
17 outside and walk the dog. They can play on the trampoline.
18 I don't know, we had a four wheeler, they could ride it
19 around, I don't know.

20 Q They were out on Highway 129 in the mobile
21 home while you were at work?

22 A Yes.

23 Q How far would you say is the nearest
24 convenience store to this house on Highway 129?

25 A The closest store is IGA, so walking

Ms. Gorman - Direct Examination by Mr. Galmore

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1 distance, but that's going to be a minute.

2 Q And again Robert had no blood relationship
3 to this child?

4 A No.

5 Q Do you know when Minor was taken off life
6 support?

7 A I really don't because I think I was
8 already incarcerated by then. I know that Wednesday they,
9 I believe they said Wednesday they had to do a test to see
10 if he can breath on his own and he couldn't pass that test
11 but they kept him on the machine after the fact.

12 Q We heard testimony that Minor was
13 baptized?

14 A Yes, he was baptized that Thursday.

15 Q Were you there for that?

16 A No, I was not.

17 Q Why weren't you?

18 A I felt that Wednesday night or Thursday
19 morning I went upstairs and I spent my time with Minor my
20 time, and I helped the nurse clean him, bath him, put
21 lotion on him, talked to him, and that was my time with
22 him, so I felt the time that Cesalee and Richard and my mom
23 could spend time with him that could be their time and
24 that's what I chose.

25 Q Did you love Minor

1 A Love him with all my heart, there's never a
2 day that goes by I don't think about him.

3 Q Did you abuse Minor

4 A No.

5 Q Did you allow Robert to abuse Minor

6 A No.

7 Q Did you allow anyone to?

8 A No.

9 Q Would you have allowed anyone to?

10 A No.

11 Q All these bruises that they had did you
12 inflict them?

13 A No.

14 Q Did you allow Robert to?

15 A No.

16 Q Did you see those bruises?

17 A No.

18 Q Did you answer all the questions that
19 various officials asked you?

20 A Yes.

21 Q Have you given them the best possible
22 explanation that you had for what could have happened to
23 Minor

24 A Yes.

25 Q And again did you cause these injuries to

Ms. Gorman - Cross Examination by Ms. Lively

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1 Minor

2 A No.

3 Q Did you allow anyone else to injure Minor

4 A No.

5 Mr. Galmore: Thank you, Ms. Gorman, please
6 answer any questions counsel may have for you.

7 The Court: What order would you like to do it,
8 ladies?

9 Ms. Lively: It doesn't matter to me, Your
10 Honor.

11 Ms. Grabert-Lowenstein: Ms. Lively can go, that
12 will be fine.

13 Cross Examination

14 By Ms. Lively:

15 Q Ms. Gorman, you would agree that this is an
16 extremely important case both for the decedent Minor as
17 well as yourself, right?

18 A Yes, ma'am.

19 Q Okay, so and this has been three and a half
20 years pending, correct?

21 A Yes, ma'am.

22 Q All right, so would you also agree that the
23 first time that you had told anyone other than maybe your
24 attorney that you spent time at the IGA and the video store
25 on the date of July the 14th, 2008, is on the record here

1 today in front of this jury?

2 A Yes, sir, ma'am, I'm sorry.

3 Q I'm sorry, I can't hear you, you're going
4 to have speak up?

5 A I gave them that information at his ---

6 Q You gave who?

7 A My attorney.

8 Q I'm not, I'm talking about the detectives,
9 Dr. Abel, people who were treating your grandson, I'm
10 talking about DSS who's investigating possible child abuse,
11 did you ever tell anyone of those individuals three and a
12 half years ago that you went to the IGA, you went to the
13 video store on the day when everyone is telling you he had
14 to be injured?

15 A I don't know did or didn't, ma'am, I could
16 have, I don't know.

17 Q Okay, you could have, well would you agree
18 that from, you've been sitting in this courtroom every
19 single one of those officials for the State of South
20 Carolina who were looking into the death of your grandson
21 sat in that stand and not one of them brought up the fact
22 that you were at the IGA and the video store; would you
23 agree with that?

24 A I agree.

25 Q Okay, and wouldn't you agree that in this

Ms. Gorman - Cross Examination by Ms. Lively

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1 particular case when they're investigating the death of a
2 child, your grandson, and the time line was so crucial that
3 something like that had been brought up that someone out of
4 those five, six, seven, eight, ten people would have
5 written that down? I'm just asking common sense, do you
6 think it would have happened?

7 A It could have or it couldn't have, I mean
8 if they wrote it down or not I don't know.

9 Q Well let me ask you this let's talk about
10 your own memory, we have seen an hour and forty minute
11 interview that you gave on July the 18th, 2008, correct?

12 A Yes, ma'am.

13 Q And that was you in that interview?

14 A Yes, ma'am.

15 Q No question, correct?

16 A Yes.

17 Q All right, this is four days after Minor
18 had been admitted to the E.R. at Conway Medical Center,
19 correct?

20 A Yes.

21 Q You have heard over and over by this time
22 multiple skull fractures, bleeding on the brain, severe
23 head injury, correct?

24 A Yes.

25 Q Okay, so there's no doubt this wasn't just

1 a little small bump on the head; would you agree with that?

2 A Yes, ma'am.

3 Q All right, so we have all this information
4 and you talk to the detectives, you see Weaver one time,
5 correct?

6 A Yes.

7 Q All right, then Troxell and Weaver come to
8 MUSC and they talk to you again, right?

9 A Yes.

10 Q Okay, now at this point in time do you
11 recall if you had told them that you ever left and went to
12 the IGA and the video store?

13 A I can't recall if I did or didn't.

14 Q Okay, all right, that's fair, now so then
15 because you said you don't know whether they would have
16 written it down or not and that they might have missed it,
17 we get you on video talking four days later after you've
18 had several times to give your story about every minute you
19 spent with that child and even then you didn't mention
20 going to the IGA and the video store; isn't that true?

21 A Yes, ma'am.

22 Q Okay, so we can agree on that, right?

23 A Yes, ma'am.

24 Q Now so today we have, where's the check?

25 A It's right here.

Ms. Gorman - Cross Examination by Ms. Lively

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1 Q Thank you, all right, now we have Defense
2 Exhibit 5 which is, it appears to be an official canceled
3 check; would you agree?

4 A Yes, ma'am.

5 Q You said documented, that's your signature
6 without a doubt, you wrote this when you went to the IGA?

7 A Yes, ma'am.

8 Q Well I guess you must have just forgot to
9 tell all those officials cause now we know for a fact you
10 went to the IGA; isn't that right?

11 A Yes, ma'am.

12 Q Okay, but now this still doesn't fit with
13 your time frame so you have to say that the time stamp on
14 the back is wrong so you've got to make that fit your time
15 frame, don't you?

16 A Yes, ma'am.

17 Q That's right, you do, because if you don't
18 then this time frame saying that you were there at 3:52 and
19 it only takes you five minutes to get home that would put
20 your right with every single one of your statements saying
21 you were home between 4 and 4:30 that day; isn't that
22 right?

23 A That would.

24 Q That's exactly right, thank you for
25 agreeing. So you were home between 4 and 4:30 on that day;

Ms. Gorman - Cross Examination by Ms. Lively

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1 is that correct?

2 A I got, I got off work at 3:45, it does take
3 me about forty minutes, fifty minutes to get home, and I
4 was home for a few minutes and I left and went to the
5 store.

6 Q So you're saying that date stamp is wrong?

7 A Yes, ma'am, I am.

8 Q Okay, all right, but it's right that you
9 went to the IGA?

10 A That is correct, I did go to the IGA.

11 Q Okay, so isn't what you're doing at this
12 point in time, Ms. Gorman, picking and choosing what's
13 fitting your story that you have put up in your mind over
14 the past three and a half years to make it fit?

15 A No, ma'am, it's not.

16 Q It's not, okay?

17 A No, ma'am.

18 Q You're just completely coming clean for
19 this jury here today; is that right?

20 A No, ma'am, I'm telling you the truth.

21 Q Okay, so that means you were lying on July
22 18th whenever you were investigated and spoken to about the
23 death of grandchild to Troxell and Weaver then; is that
24 right?

25 A No, ma'am, I was tired and exhausted for

Ms. Gorman - Cross Examination by Ms. Lively

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1 being up for days so I had skipped a very important
2 information, yes, ma'am, in not telling them that I went to
3 a grocery store.

4 Q Okay, you were tired and exhausted because
5 you had spent forty hours at the hospital or because the
6 night before you and your boyfriend who are finally free of
7 the aggravation of a toddler had gone out to Beef O'Bradys
8 and Fatz to drink beer and shoot pool; isn't that correct.

9 A No, ma'am.

10 Q Okay, but you did go out that night, didn't
11 you?

12 A Yes, ma'am, we did.

13 Q That's exactly right and you went out that
14 night and that was the night that your grandson's organs
15 had been donated; isn't that right?

16 A I don't know if they were or not, ma'am, I
17 was not notified about it.

18 Q Okay, as a matter of fact you were notified
19 about the date that he was going to be baptized and you
20 didn't stay for that, did you?

21 A Yes, ma'am, I was there and notified about
22 it.

23 Q You were there but you didn't stay for it,
24 did you?

25 A No, ma'am, I did not.

1 Q But you took the time to go out to Fatz?

2 A I went out to stay away from my house, I
3 just did not want to be there.

4 Q You know, Julie, would you agree that it's
5 somewhat concerning that the sixteen-month-old child had
6 pretty much been for all reports fine and then after being
7 in your care for two weeks he's dead; isn't that a little
8 odd?

9 A Ma'am, he wasn't well when he got to my
10 house.

11 Q Okay, cause once again it was Cesalee's
12 fault, right?

13 A I don't know whose fault it is but I will
14 tell you he's not, he wasn't well.

15 Q He wasn't well, okay, that's the reason why
16 you took him to Dr. Hutson, the pediatrician in Aynor; is
17 that right?

18 A Yes, ma'am.

19 Q Okay, and you said that on July the 1st
20 when you took him there it was just for ant bites and
21 nothing else?

22 A No, ma'am, I then talked about his head
23 being squishy.

24 Q Okay, his head being squishy, and that's
25 right, will you please, demonstrate to the jury again

Ms. Gorman - Cross Examination by Ms. Lively

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1 where, where you're talking about his head was squishy?

2 A His head was squishy all over; it wasn't
3 just one spot but all over.

4 Q So, so, right, let me get this, so right
5 through here?

6 A Yes, ma'am, all over.

7 Q All over?

8 A It was soft and squishy.

9 Q And you're aware that the massive skull
10 fractures to Minor that have been documented and has been
11 seen by this jury are right in here?

12 A Yes, ma'am.

13 Q Is it surprising that the pediatrician who
14 came and testified and you saw him never documented a child
15 with a squishy head on him?

16 A I can't explain why but I did tell him.

17 Q Okay, and, and then were you given a
18 prescription for Minor

19 A Yes, I was, I was given two prescriptions.

20 Q Two prescriptions, one of them was a
21 steroid cream, and one of them was Xyzal which was the
22 antihistamine; is that correct?

23 A Yes, ma'am.

24 Q And what was the dosage for that
25 antihistamine that you were supposed to give to this twenty

1 pound child?

2 A A small amount.

3 Q What's the exact amount?

4 A Probably half a teaspoon, maybe.

5 Q Half a teaspoon?

6 A Yes.

7 Q Okay, and isn't it true in your statement
8 from July the 18th when you were talking to the detectives
9 that you would give him this, this medicine, it was kind of
10 like Benadryl?

11 A It is like a Benadryl, yes.

12 Q Exactly, and the reason why you know this
13 is because when you would give it to Minor he would become
14 very drowsy and lethargic; isn't that true?

15 A No, that's what the side effects can be.

16 Q Okay, all right, well how about the fact
17 that in the records whenever all of these medical
18 professionals who their lives are dedicated to saving
19 people actually document in their records that you told
20 them or some care giver told them he was being given twice
21 that amount and in one of the records two and a half times
22 that amount?

23 A I never gave him that.

24 Q You never gave him that information?

25 A No, ma'am.

Ms. Gorman - Cross Examination by Ms. Lively

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1 Q Were you around, did Robert give it to
2 them?

3 A Robert never gave him that much medicine.

4 Q And did you see the pictures of the Tylenol
5 and the medicated cream that Detective Troxell took and
6 actually put, that we put into evidence?

7 A No, ma'am, but I mean I know what, I know
8 what medicines were at my house.

9 Q Where was the Xyzal?

10 A In his diaper bag cause I took that to
11 Charleston.

12 Q So you didn't see that was important to, to
13 give to the detective?

14 A It was, when I went to Conway to E.R. when
15 we left the house it was one of the medicines I took with
16 me so they had it in the EMT truck so they knew what he had
17 and how much.

18 Q Well, you know, you had mentioned that
19 whenever that you were concerned that the child was not
20 right or something was wrong with him whenever Cesalee
21 brought him to you in June of 2008, correct?

22 A Yes.

23 Q You mentioned he had a squishy head and,
24 and you were concerned that maybe developmentally he had
25 some type of problems; is that right?

1 A Yes.

2 Q Okay, did you have, do you have for this
3 jury with all this medical information that, that they've
4 seen and gone through do you have any documentation
5 whatsoever to back up your position regarding him being
6 developmentally delayed or having a squishy head?

7 A No, ma'am, I do not.

8 Q Now we had a lot of talk about finances and
9 I'm not going to get into it a whole lot, but is it true
10 that the Palmer's, Gail and Jimmy had to pay ya'll's rent
11 the last month?

12 A I believe they did.

13 Q Okay, and ya'll bought a \$1600 bulldog?

14 A At that time we had the money, I could.

15 Q Okay, and but there were some bills that
16 were being paid and weren't getting paid?

17 A All my bills were paid.

18 Q All your bills were paid?

19 A I could pay my bills and I paid some of his
20 bills.

21 Q Okay

22 A But there were bills at times probably
23 didn't get paid but, you know, I did pay my bills.

24

25 Q Okay, that's fine, well let me ask you this

Ms. Gorman - Cross Examination by Ms. Lively

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1 because you, you were the only one working, correct?

2 A Yes.

3 Q All right, and Cesalee comes into town and
4 obviously you even said in your statement you and Cesalee
5 didn't get along, you were even concerned that she might
6 hit you on a day whenever you were at MUSC and you saw her?

7 A Yes.

8 Q Fair enough.

9 A Yes.

10 Q Okay, you didn't even call your own
11 daughter to tell her her son was being life flighted to
12 MUSC, right?

13 A Yes.

14 Q Okay, so that's bad of a relationship the
15 two of you had?

16 A Yes.

17 Q Okay, all right, and then you said that you
18 and your family didn't like Richard, the father of the
19 child, correct?

20 A Yes.

21 Q All right, so here we are you're having to
22 take care of the toddler the product of the two people that
23 you dislike so much who was dumped off at your house; is
24 that right?

25 A Yes.

1 Q Okay, and like you said in your statement
2 Cesalee just wiped her hands of him, I kept telling her on
3 the way to the airport are you sure, are you sure you want
4 to leave him; is that right?

5 A I just wanted to make sure that's what she
6 wanted to do. I wasn't, I mean I'd keep him no matter
7 what, that wasn't the problem.

8 Q Okay.

9 A I just wanted to make sure that's what she
10 wanted to do, you know.

11 Q Okay, and, and you felt that maybe by
12 keeping him there you could even fix him and make him a
13 fresh little boy for her, didn't you?

14 A Just wanted to make sure that, you know,
15 that way we could, you know, the habits that he had, you
16 know, the hitting and everything, you know, just where he
17 wasn't doing that anymore and that way when he goes back or
18 when she comes back to get him that he wasn't doing that
19 stuff anymore.

20 Q You wanted to fix him?

21 A He wasn't a bad child.

22 Q Okay, he was whiny?

23 A He was just whiny but he wasn't a bad
24 child.

25 Q He was fussy?

Ms. Gorman - Cross Examination by Ms. Lively

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1 A He was fussy but he wasn't a bad child.

2 Q He'd try to crawl up your leg while you
3 were busy trying to cook dinner?

4 A So he would try to crawl up my leg and I
5 would just move him away, I mean, he wasn't a bad child.

6 Q But you would get frustrated with him?

7 A I get frustrated I'd walk away.

8 Q And he was very clingy, correct?

9 A Yes, he was.

10 Q This was the first time he had ever met
11 you, right?

12 A Yes, ma'am.

13 Q First time that he had been away from his
14 mother that long; isn't that right?

15 A Yes, ma'am.

16 Q And the way that you dealt with what you
17 referred to as depression because this child was not around
18 his mother was to immediately try to fix him; is that what
19 you're telling us?

20 A Yes, ma'am, I was getting it from both
21 sides. I was being told by one to let him cry, don't pick
22 him up, and let him do this, and so I was doing it as well.

23 Q So, okay, instead of comforting a child who
24 was out of sorts, not where he's normally used to being, he
25 misses his mother?

1 A I still loved on him, I just didn't pick
2 him up.

3 Q You didn't pick him up, okay?

4 A I still loved on him, though, we just
5 didn't pick him up.

6 Q All right, Julia, let's, let's get to the
7 point of where you showed this, where the jury saw you
8 shaking that leprechaun doll, you're saying that you never
9 did that?

10 A I never shook my grandson.

11 Q Okay, and at the time that you were in this
12 interview you had signed a Miranda form, correct?

13 A Yes, ma'am.

14 Q At this point in time did you know how
15 serious it was, anything and everything that you said to
16 Troxell and Weaver regarding what you had done with your
17 grandson?

18 A I probably really didn't know, I mean I
19 knew my grandson was sick. I knew he was severe but I
20 didn't do anything wrong to my grandson, never hurt him. I
21 never did any of this stuff.

22 Q Hadn't they just screamed in your face and
23 told you that you were going to jail?

24 A They, they had done everything, scared me
25 to death, I didn't do anything. I still haven't done

Ms. Gorman - Cross Examination by Ms. Lively

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1 anything.

2 Q Okay, Ms. Gorman, and I, and I appreciate
3 that that you say that but this is my question, if, if you
4 didn't do anything, didn't hurt your grandson then why did
5 you consistently lie in that interview about what you had
6 done on that Monday and specifically about shaking your own
7 grandson?

8 A I didn't shake my grandson.

9 Q I'm asking why you lied?

10 A I don't know why I said it. They asked me
11 how I shook that thing and I shook it, I never said I shook
12 him.

13 Q No, they didn't ask you how you shook that
14 thing, they asked you how you shook your grandson.

15 A And I shook that doll but I never shook my
16 grandson.

17 Q Do you wish you could take that back now?

18 A Absolutely, every day, but I never shook my
19 grandson.

20 Q You just made that up to make them happy?

21 A I don't know but I never shook my grandson.
22 I never hurt my grandson.

23 Q Do you need tissue?

24 A Yes.

25 Q Whenever you and Robert were driving back

1 and forth from Conway to MUSC being the concerned
2 grandmother that you were, why didn't you ever look at him
3 and say what did you do to my grandson?

4 A I never asked, I never thought he would do
5 anything to him.

6 Q Okay, cause you never thought he would do
7 anything to him, and as a matter of fact that's exactly
8 what you told the detectives; isn't that right?

9 A Yes

10 Q And, Julie, would you agree that the one
11 person that actually puts Robert outside of the home
12 walking the dog that day on the 14th wasn't Robert in his
13 interview, but it was you?

14 A Yes.

15 Q Okay, so you're the one that actually said
16 it, and you're the one that talks about, and it's eerily
17 similar in this way, the two of you both decide that let's
18 don't get him up, let him lay in his playpen so we can have
19 a peaceful dinner so he doesn't act up; isn't that true?

20 A That's not how, how it's supposed to mean.

21 Q Okay, well you've given us a lot of
22 different meanings of a lot of different things so will
23 you, please, explain to me what type of meaning that could
24 have?

25 A It's just meaning we'll just have an adult

Ms. Gorman - Cross Examination by Ms. Lively

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1 dinner before we wake him up so that way we can just, I can
2 just tend to him, you know, so I can just give him my
3 hundred percent attention to feed him instead of me taking
4 a bite and attending to him, that's all it was. It wasn't
5 the fact that he was going to act up or anything; it's just
6 so I can give him my hundred percent quality time.

7 Q And, Julie, by this time in your, in having
8 Minor in your house you and Robert's day to day lifestyles
9 have changed dramatically; wouldn't you agree?

10 A I just worked and came home and took care
11 of him after I was home.

12 Q Exactly, and before then you had no toddler
13 to take care of; isn't that right?

14 A No, that didn't matter.

15 Q Okay, all right, and at what point in time
16 did Robert tell you that he was done with this situation
17 and that he was going to leave you and go back home to his
18 parents?

19 A I don't recall him ever telling me that.

20 Q Okay, so you're saying that your
21 relationship with him was not on the rocks. you never cried
22 calling friends just losing it because the two of you were
23 breaking up?

24 A I'm not saying that we, that we didn't have
25 arguments. I'm not saying I never cried and talked to

1 friends, but he's never told me that he was, we were
2 breaking up and he was going to move home, he never told me
3 that.

4 Q But the possibility that he wouldn't leave
5 you was probably better if Minor was out of the picture;
6 wouldn't you agree?

7 A No, I wouldn't care if he left or not.

8 Q Okay.

9 A Minor was my responsibility not his.

10 Q But, but he was the one that was the
11 caretaker during the day every day; wasn't he, Julie?

12 A That doesn't matter, I could take care of
13 Minor with or without him.

14 Q So you've mentioned again that Minor had a
15 habit of head butting, biting, pinching himself?

16 A Yes, he did.

17 Q Really, and well then I'm curious, you
18 know, when he was in the hospital and we've got all these
19 pictures of these bruises all over his body, if he had a
20 habit of pinching himself then why wasn't he completely
21 bruised free before he ended up in the E.R.?

22 A I would just my hand down if he'd start I
23 would just stop him.

24 Q But you're saying he was doing that all
25 along?

Ms. Gorman - Cross Examination by Ms. Lively

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1 A He was doing it, he was doing it when he
2 arrived.

3 Q Okay.

4 A And he was head butting; he was biting.

5 Q But the bruises didn't appear until he
6 actually ended up in the E.R.?

7 A Yes, ma'am, he didn't have those bruises.

8 Q All right, and, Ms. Gorman, you stated that
9 in your direct testimony that you never hit your
10 grandchild, never smacked him or anything like that, but
11 didn't you actually disclose in your July 18th interview
12 that you did smack him and pop him on the butt?

13 A I have popped him on the butt, I have
14 tapped him on his hand, yes, I have said that.

15 Q And, and let me just go through this with
16 you because I want to make sure that I'm very clear, even
17 though you told everybody else that you were home between 4
18 and 4:30 you're saying that that's incorrect, am I, is that
19 where we're at right now?

20 A I came home, I left, I went to the IGA
21 store.

22 Q I know and I'm sorry, I'm just trying to
23 get a clear picture of where your time line is different.

24 A Okay.

25 Q Would you agree that when you talked to the

1 detectives and probably every other official in this,
2 investigating this case you said that you were home between
3 4 and 4:30?

4 A Yes, it could be, yeah.

5 Q Okay, thank you, and when you got home you
6 went and checked in on Minor and he was sleeping and
7 breathing fine; is that correct?

8 A Yes, yes, ma'am.

9 Q Then you walk out of his room and a little
10 bit later you said that you would check on him periodically
11 with Robert; is that right?

12 A I didn't check on him again until I was
13 time to get him for dinner.

14 Q Okay, so that's different, too, and then
15 you stated that you cooked dinner and at that time either
16 you say this to Robert or he says it to you, what do you
17 want to do, let's have a peaceful dinner, don't get him up,
18 etcetera, etcetera, we've just talked about that, correct?

19 A Yes, ma'am.

20 Q Okay, so you sit down to eat dinner in
21 peace and then this is in your July 18th interview you said
22 that's whenever Palmer gets up and leaves and walks outside
23 to walk the dog?

24 A He just stepped outside and took the dog
25 right there by the steps, yeah.

Ms. Gorman - Cross Examination by Ms. Lively

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1 Q All right, and then you go to wake up
2 Minor and that's whenever you see that he's got the saliva
3 and he's making these noises and seizing?

4 A Yes, ma'am.

5 Q Okay, all right, and you agree because it's
6 in, I'm assuming it's in the record and this time is right,
7 that 911 was called around 6:00 p.m. that day?

8 A Yes, ma'am.

9 Q All right, so you do agree as to the time
10 when 911 was called?

11 A Yes, ma'am.

12 Q All right, now, but everything else that,
13 that I've said to you other than let's eat dinner and all
14 that stuff you're saying all of that in that time line is
15 completely incorrect from three and a half years ago what
16 you were telling the people?

17 A The only thing that I didn't tell them or
18 they may not have wrote down was the fact that I went to
19 the store and to the video store before I came home. I
20 mean I came home and I left and I came back.

21 Q Well you didn't tell them about the bad
22 check and the fact that it was post dated a whole hour
23 later than it should have been?

24 A Well I didn't know, I didn't know the check
25 was posted an hour later.

1 Q Okay.

2 A I mean that's not my error.

3 Q Okay, you just figured that out before you
4 testified today?

5 A Well, yes, ma'am, I didn't know that.

6 Q I got you, any time whenever Logan --

7 A The dog.

8 Q Thank you, the big-\$1600 bulldog knocked
9 Minor over did he ever get knocked out or lose
10 consciousness?

11 A No, ma'am.

12 Q Whenever he was in that stroller when
13 Cesalee was still in town about two or three weeks before
14 he ended up in the E.R. with skull fractures did he ever
15 loose consciousness?

16 A No, ma'am.

17 Q When was the last time you gave him that
18 antihistamine?

19 A I could have gave it to him that Saturday,
20 I'm not really for sure if I gave it to, it had to been
21 Saturday cause I did, or it could have been Sunday, I'm
22 sorry, cause Monday I was at work.

23 Q Okay, and, and let me ask you one more
24 thing?

25 A Okay.

Ms. Gorman - Cross Ex. by Ms. Grabert-Lowenstein

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1 Q Isn't it true that while Cesalee was here,
2 and you've already said ya'll had problems, that you called
3 her husband and said get your wife and your young'en and
4 take them home?

5 A I did, on my way home from work because she
6 pulled a stunt about being out till 6:00 in the morning
7 cause she text me and she text me about three, or three, so
8 in the morning, said she was out. I said don't you think
9 you need to come home? You got your child to tend to, and
10 she said he won't wake up till 6:00, and that kind of upset
11 me, you know, because you have your child to take care of
12 and then she went out again and the next morning on my way
13 home from work I called Richard and I said you need to get
14 your wife and your child and take them home if they're
15 going, you know, if she's going to act like this and he,
16 you know, when I got home I had calmed down; and I, you
17 know, talked to Robert and he says, you know, Minor can
18 stay and I took Cesalee outside and I talked to her. I
19 didn't yell or scream at her and talked to her and
20 explained to her, you know, we're not going to have kind of
21 stuff at my house. She said, okay, and then we decided
22 that Cesalee could stay, too, and but Richard had already
23 bought the plane ticket and so she decided she wanted to,
24 you know, she would go and leave the baby. You know we had
25 already decided that she could still stay. It wasn't the

Ms. Gorman - Cross Ex. by Ms. Grabert-Lowenstein

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1 fact that you know, when I called him I was upset but I
2 still offered her to still stay even though the
3 disagreement was there she was offered to still stay at my
4 house. She's still my child, you know, we have our
5 differences but she was still welcome to stay.

6 Q Well after all the different stories,
7 Julie, I just want to ask, is today the truth or were the
8 other stories three and a half years ago the truth?

9 A Today is the truth, ma'am, I didn't hurt my
10 grandson.

11 Q Cause today's story is the one that counts,
12 right?

13 A They were all the truth, I never hurt my
14 grandson.

15 The Court: Ms. Grabert-Lowenstein?

16 Ms. Grabert-Lowenstein: Thank you.

17 Cross Examination

18 By Ms. Grabert-Lowenstein:

19 Q Good evening, ma'am. You were asked about
20 the Bass Pro Shop time card?

21 A Yes, ma'am.

22 Q And you can actually have someone check out
23 for you, can't you?

24 A No, ma'am, I don't believe so, I mean, well
25 the h.r. can do it for you.

Ms. Gorman - Cross Ex. by Ms. Grabert-Lowenstein

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1 Q And that means you have control over what
2 time it's checked out even if you're not there?

3 A The H.R. is the only one that can go into
4 the system cause they have to have a password to get into
5 it.

6 Q Okay, so you can ask them to do it and it's
7 done and you have control over that?

8 A Yes, ma'am, but it will show that it was
9 manually keyed in. It will have a code next to it if you
10 manually key in.

11 Q Somebody else could check out for you
12 besides the H.R.?

13 A No, they cannot.

14 Q You would agree with me that the time card
15 which you would have control over and the date stamp on the
16 back on the check can't be correct?

17 A Correct.

18 Q You have no knowledge that there's anything
19 in error in the back of the check?

20 A I didn't know there was an error on the
21 back of the check.

22 Q And you, you have no knowledge that there,
23 there really is an error?

24 A I didn't know there was an error on the
25 back of the check.

1 Q As far as we know we've heard no evidence
2 that the machine made an error on the date; is that
3 correct?

4 A On what date?

5 Q On the, on the check, we haven't heard any
6 testimony that there actually is an error other than yours;
7 that would be correct?

8 A Yes, ma'am.

9 Q Okay, now you were with Robert when he was
10 honorably discharged from the service?

11 A Yes, ma'am.

12 Q And during the time that you were in North
13 Carolina he got to know Kayla and Kyle?

14 A In Virginia.

15 Q I'm sorry, in Virginia?

16 A Yes, ma'am.

17 Q Excuse me, and he was around them, enjoyed
18 them, there was no problems with him being around them?

19 A No.

20 Q Okay, and after the two of you moved to
21 South Carolina again Kyle and Kayla come to, came to visit
22 and they interacted with Robert and there were no problems?

23 A Kyle and Kayla moved here, they didn't come
24 to visit, they resided here.

25 Q Okay, and during the time that you say they

Ms. Gorman - Cross Ex. by Ms. Grabert-Lowenstein 991

1 moved here there were no problems between them and Robert?

2 A Just your normal childrens just acting out.

3 Q Okay, no hitting?

4 A No, no hitting.

5 Q Okay?

6 A No.

7 Q And you just simply got a phone call that
8 they weren't going to come back from being with their
9 father?

10 A Yes.

11 Q It is true that Robert went outside during
12 the period of time that you were cooking dinner on the 14th
13 of July?

14 A Robert took out the dog at some point to
15 let the dog out to go to the bathroom.

16 Q Okay, and he walked the dog actually,
17 didn't he?

18 A No, he took the dog out to go to the
19 bathroom; he didn't walk the dog.

20 Q Okay, you said that he had gone out; you
21 told Detective Troxell that?

22 A He took the dog out, doesn't mean he took
23 him for a walk, just means he took the dog out.

24 Q Now the area that the two of you lived in
25 is country?

1 A Yes, ma'am.

2 Q And you lived on about two acres?

3 A Give or take, I don't know.

4 Q Okay, and showing what's been entered as
5 Palmer Defense 1, do you recognize what's in that photo?

6 A Yes, it's a trampoline.

7 Q And it also shows the distance, does it
8 not, from the, basically the edge of the trailer to where
9 there's a pine tree?

10 A It doesn't give a distance, it just shows
11 just the date.

12 Q So is that about a quarter of an acre?

13 A I guess, I don't know, I mean --

14 Q Okay, it's quite a distance?

15 A It is a distance, it's a walk.

16 Q And that's actually the area where Robert
17 walks the dog?

18 A Not necessarily, we walk him in the front
19 yard. We walk him right by the, the steps. We walk him in
20 the front. We walk him in the side, we walk him
21 everywhere.

22 Q Okay.

23 A So you can't necessarily say where he
24 walked him that day.

25 Q Now whenever the time line is that you got

Ms. Gorman - Cross Ex. by Ms. Grabert-Lowenstein 993

1 home you and Robert both checked on Minor

2 A When I came home from work when I asked
3 where Minor was, he said he was taking a nap. We walked
4 to the room and I saw that he was asleep. He and I walked
5 away from the room, we talked for a minute, few minutes,
6 and then I left, went to the grocery store to go get us
7 something for eat for dinner, and I stopped at the video
8 store.

9 Q Let me stop you because my question was,
10 did you both went in to check on him?

11 A We stopped at the door. We didn't, we
12 didn't physically go in the room.

13 Q And you didn't see any seizures, correct?

14 A I stopped at the door and I saw that he was
15 asleep; I didn't physically go in and put my hands on him.

16 Q My question, Ms. Gorman, is you're saying
17 if you knew he was asleep you had to look in far enough, at
18 least, to check on Minor that much, correct?

19 A You don't have to go that far in the room
20 because the port a crib is netted so you can see, and I can
21 see him and you can see over it.

22 Q And you, you would be able to hear?

23 A I can hear.

24 Q And you didn't hear any gurgling, weird
25 sounds?

1 A I didn't hear anything strange or anything.

2 Q Okay, did you hear breathing?

3 A I heard him, he was asleep, I mean --

4 Q Okay, normal breathing?

5 A That's what, uh-huh.

6 Q Okay, you had a discussion with Cesalee in
7 the car about the fact she wasn't taking Minor

8 A Yes.

9 Q Now after you received the call from
10 Richard you initially wanted her to take Minor with her?

11 A Well I figured if she's going home she take
12 her baby with her, that's generally what a parent does is
13 they go home their children go home with them.

14 Q But she decided not to do that?

15 A Yes.

16 Q And yet you wanted her to?

17 A If she wanted to take him, yes.

18 Q And Robert was agreeable to allowing him to
19 stay?

20 A And I said that was fine.

21 Q Okay, and didn't have any angst about it,
22 didn't say I don't want to have to take care of this child?

23 A No.

24 Q The truth he was very loving and caring and
25 patient with Minor wasn't he?

Ms. Gorman - Cross Ex. by Ms. Grabert-Lowenstein

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1 A Absolutely.

2 Q And you even said he had more patience than
3 you did?

4 A Yes.

5 Q Okay, now you also made a statement in your
6 interview about being around somebody that would have hit
7 and that was, had been a part of your past, correct?

8 A Yes.

9 Q You wouldn't have stayed with Robert if he
10 had hit you?

11 A No, I wouldn't have.

12 Q Or hit Kyle or Kayla?

13 A No, I wouldn't have.

14 Ms. Grabert-Lowenstein: May I have just a
15 moment, Your Honor?

16 Q (Continuing) Robert wasn't at home on
17 Friday the 11th, was he?

18 A That afternoon or that evening, no, he
19 wasn't, he went out with a neighbor.

20 Q He had called you and said Cody, a
21 neighbor, wanted him to go out with him?

22 A When I came home from work, cause I had to
23 get home, you know, when I got home from work he left with
24 the neighbor.

25 Q Okay, and you had initially said it was

1 okay that he was leaving?

2 A Yeah, Cody's girlfriend came over and hung
3 out with me and Minor

4 Q Okay, and but wasn't there some issue about
5 Robert being gone a lot and you didn't like that?

6 A We had a discussion earlier that week that
7 he was out a lot, he was out late a lot, you know, he
8 needed to spend time at home.

9 Q You didn't just walk away from Minor when
10 you got frustrated with him, you went clear outside?

11 A I'd go out to the front porch.

12 Q And what would happen when, when you came
13 back in?

14 A He'd whine.

15 Q Started all over again, didn't he?

16 A Yeah.

17 Q Same pitch?

18 A Same pitch.

19 Q Just the same stuff?

20 A Yes, but that's what he did.

21 Q And that's what frustrated you?

22 A But that's what he did, it didn't mean I
23 did anything different.

24 Q The way you bought the dog was a tax refund
25 and that purchase was your decision, correct?

Ms. Gorman - Cross Ex. by Ms. Grabert-Lowenstein 997

1 A Yes, ma'am, it was.

2 Q Okay, now you made the comment that your
3 bills were paid. Wasn't your car repossessed and you
4 borrowed money to get it back out?

5 A Yes, ma'am, and the money was returned that
6 week.

7 Q But that meant that at least for some point
8 the bills were not paid?

9 A No, all bills were paid but my car.

10 Q Okay, and Robert was contributing his
11 unemployment?

12 A When he was getting unemployment, yes,
13 ma'am.

14 Q He was getting unemployment at the time
15 that Minor and ---

16 A No, ma'am, he was not, well, no, I take
17 that back, he may have a couple of times.

18 Q Okay --

19 Ms. Grabert-Lowenstein: Your Honor, may we
20 approach, just very briefly?

21 (Whereupon, a bench conference was held off the
22 record in the presence of the jury, but out of the hearing
23 of the jury and the court reporter.)

24 Ms. Grabert-Lowenstein: (Continuing)

25 Q You recall your interview with Detective

Ms. Gorman - Cross Ex. by Ms. Grabert-Lowenstein 998

1 Stroschal, Troxell -- it's getting late -- do you recall
2 that interview?

3 A Yes, ma'am.

4 Q You recall saying I would never hurt one of
5 my children?

6 A Yes, ma'am.

7 Q When your son Kyle was eight you got into
8 an argument with him over Cesalee and split his lip, didn't
9 you?

10 A I didn't get over an argument with him over
11 Cesalee.

12 Q You split his lip, though, didn't you?

13 A I didn't split his lip. He was talking
14 back and everything and I went to go talk to him and I pat
15 his mouth and what happened was his lip caught his tooth
16 and it cut it. It wasn't like I had punched him or beat
17 him or nothing, his lip caught his tooth.

18 Q So it would be your testimony that a simple
19 pat ---

20 A Yes, ma'am.

21 Q --- caused the cut?

22 A It was truly an accident. It wasn't
23 malicious or vicious.

24 Q How long has it been since you've seen Kyle
25 and Kayla?

Ms. Gorman - Redirect Examination by Mr. Galtmore 999

1 A Have not seen Kyle or Kayla since they left
2 and went to Hawaii in 2007 when he graduated the fifth
3 grade.

4 Q Thank you -- If I could have just one
5 moment, Your Honor. I think that's it.

6 Your Honor, the defense on behalf of Mr. Palmer
7 has no further questions.

8 Mr. Galtmore: Very briefly, Your Honor.

9 The Court: Do you promise, Mr. Galtmore?

10 Mr. Galtmore: That's a promise.

11 Redirect Examination

12 By Mr. Galtmore:

13 Q I think it came out on cross examination
14 that Kyle and Kayla moved here; is that correct?

15 A Yes, they did.

16 Q How long did they stay with you here in
17 Aynor?

18 A They stayed with me until they grad --
19 until they finished school in 2007. We moved here in
20 October of 2006 and they finished school. I would, June I
21 guess is when they finished school here in 2007, and then
22 they left to go to North Carolina with Lisa Cortizon, their
23 grandmother. They met me in North, we had a halfway point
24 we'd meet in North Carolina, and we met there and they went
25 to North Carolina and visited with them and then they flew

1 to Hawaii.

2 Q Now you said they were in school down here;
3 what school did they go to?

4 A They went to Midland Elementary.

5 Q And this would have been when you and
6 Robert were living together?

7 A Yes.

8 Q So and you said that was from 2006 until
9 June of 2007?

10 A Yes.

11 Q So when Minor comes to town in 2008 is it
12 a major disruption in your lifestyle?

13 A No.

14 Q Just briefly, how much do you weigh?

15 A Now or then?

16 Ms. Lively: Objection, Your Honor, outside the
17 scope of any of the re -- I mean the cross.

18 The Court: That has nothing to do with the
19 cross examination or the --

20 Mr. Galtmore: I'll leave it alone, thank you,
21 Ms. Gorman.

22 The Court: Ms. Lively?

23 Ms. Lively: I have no questions, Your Honor,
24 thank you.

25 Ms. Grabert-Lowenstein: Nothing further, Your

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1 identification.)

2 The Court: All right, and that brings us to
3 standard motions, Mr. Galmore?

4 Mr. Galmore: Yes, sir, Your Honor, at this time
5 we would renew our motion for a directed verdict. We made
6 that motion at the end of the State's case, we make it
7 again at the end of all evidence presented in the case. We
8 submit that the State has not produced any direct evidence
9 of Ms. Gorman's involvement either as the person that
10 inflicted the injuries or the person that aiding and
11 abetting and failed to act in Mr. Palmer's infliction of
12 these injuries.

13 There is another charge for unlawful conduct
14 towards a child, we submit that the State has not produced
15 any direct evidence that Ms. Gorman was the person
16 responsible for any unlawful conduct towards Minor

17 With that said the State has to present
18 substantial circumstances evidence, they have failed to do
19 so. The evidence that they have, even circumstantial
20 evidence, it does not point conclusively to the guilt of
21 Ms. Gorman. At best it raises a mere suspicion of her
22 guilt and, therefore, we ask the Court to reconsider the
23 directed verdict motions that we filed previously.

24 The Court: All right, and based upon the
25 reasons that I gave earlier I would respectfully deny your

1 motion, okay.

2 Mr. Galmore: Yes, sir.

3 The Court: I think there's ample evidence to
4 take this to the jury. Ms. Grabert-Lowenstein?

5 Ms. Grabert-Lowenstein: Yes, Your Honor, our
6 position would be we're in a different position than Ms.
7 Gorman. The State took great pains to basically narrow the
8 time frame here and one thing that's different at this
9 juncture than from before is that we have based on the
10 medical testimony he wouldn't have been breathing if he had
11 been in a coma. Ms. Gorman's testimony is walked into a
12 small room and she heard normal breathing which was
13 significantly different than later when she and my client
14 walked in to check on Minor Based on that and based on
15 our written memorandum we would respectfully request to
16 grant Mr. Palmer a directed verdict at this juncture.

17 The Court: And again I would respectfully
18 decline your motion. I think that there is substantial
19 evidence by which a jury could return verdicts of guilty as
20 to these charges and I'm going to deny your motion.

21 Ms. Grabert-Lowenstein: Thank you, Your Honor.

22 The Court: All right, now, ladies and
23 gentlemen, I have provided you already, I did so on
24 yesterday, provided you with copies of my proposed charge.
25 As is my practice I will be providing that charge with, to

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1 The Court: All right, would you, please,
2 receive the verdict, Madam Clerk?

3 (Whereupon, the verdict was received by the Clerk
4 and reviewed by the Court.)

5 The Court: Publish the verdicts.

6 Madam Clerk: Indictment Number 2008-GS-26-4120,
7 State of South Carolina County of Horry v. Robert Andrew
8 Palmer, as to the charge of unlawful conduct towards a
9 child we the jury unanimously find the defendant guilty.

10 Indictment Number 2010-GS-26-2195, The State of
11 South Carolina v. Robert Andrew Palmer, as to the charge of
12 aiding and abetting homicide by child abuse we the jury
13 unanimously find the defendant guilty.

14 Indictment Number 2010-GS-26-2196 State of South
15 Carolina v. Robert Andrew Palmer, as to the charge of
16 homicide by child abuse we the jury unanimously find the
17 defendant guilty.

18 Indictment Number 2010-GS-26-841 State of South
19 Carolina v. Julia Shawnette Gorman, as to the charge of
20 unlawful conduct towards a child we the jury unanimously
21 find the defendant guilty.

22 Indictment Number 2010-GS-26-2194 State of South
23 Carolina v. Julia Shawnette Gorman, as to the charge of
24 aiding and abetting homicide by child abuse we the jury
25 unanimously find the defendant guilty

1 Indictment Number 2008-GS-26-3756 State of South
2 Carolina v. Julia Shawnette Gorman, as to the charge of
3 homicide by child abuse we the jury unanimously find the
4 defendant guilty.

5 Dated by Foreperson Robert E. Kidd, dated
6 November 18, 2011.

7 Ladies and gentlemen of the jury, if this is your
8 verdict so signify by raising your right hand.

9 (Whereupon, all jurors responded affirmatively.)

10 Madam Clerk: Thank you. If this is, if this is
11 your verdict so signify by raising your right hand and this
12 would be your verdict as to each count?

13 (Whereupon, all jurors responded affirmatively.)

14 Madam Clerk: Thank you.

15 The Court: Any request for individual voir
16 dire, Mr. Galmore?

17 Mr. Galmore: Yes, sir.

18 The Court: All right, Ms Grabert-Lowenstein?

19 Ms. Grabert-Lowenstein: Yes, Your Honor, as to
20 each count.

21 The Court: All right, very well.

22 Madam Clerk: When I call your juror number if
23 you will, please, stand.

24 As to Robert Andrew Palmer on the charge of
25 unlawful conduct towards a child, juror number 168; is this

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1 The Court: Well first I need to hear your
2 motions; I'm sure you have some motions? Mr. Galmore, post
3 trial motions?

4 Mr. Galmore: Your Honor, yes, sir, I would make
5 a, excuse me, motion for a new trial and motion for an order
6 and arrested judgment based on the insufficiency of the
7 evidence presented in this case, based on the insufficiency
8 of the indictments presented. We have gone over those
9 indictments ad nauseam; they have two inconsistent theories
10 in the indictments. I just find it mind boggling that a jury
11 can convict Ms. Gorman of being the principal and being the
12 accomplice. It's just not possible for her to be the person
13 that inflicted the blow and for her to be the person that
14 aids and abets him inflicting the blow at the same time.
15 These are two different theories and they're two inconsistent
16 theories. These are not mutually exclusive; you can't be
17 both at the same time. Because of that we feel like this,
18 this case should have been severed when we made the request
19 for the severance. We feel like the jury could not have
20 understood their obligations and responsibilities as jurors
21 if they did find this person guilty of both of these
22 theories. I can understand if they found one person guilty
23 of one charge and one person guilty of the other charge but
24 to find both people guilty of both charges it just does not
25 make sense to us.

1 Also, Your Honor, we do have a problem with the
2 indictments, just the dates on the indictments are
3 inconsistent with the testimony. The Court is aware that the
4 indictment said July 11th was the date when the wounds were
5 inflicted. The indictments were changed to say July 14th was
6 the date the wounds were inflicted. That change was done
7 without these cases being re-indicted by the grand jury, so
8 I would submit to the Court that the indictments are
9 insufficient.

10 Also as far as the evidence, Your Honor, there is
11 no direct evidence on this case, it's a case purely of
12 circumstantial evidence. We have requested several times for
13 the Court to consider a directed verdict motion based on the
14 insufficiency of this evidence.

15 The evidence in this case, like Candice said, it's
16 pieces of a puzzle and they can be arranged in any order you
17 want and Candice has arranged them in an order that has led
18 to these convictions. The point is this evidence must be
19 logically connected to each other, and it must be to the
20 exclusion of any other reasonable hypothesis. Just looking
21 at the circumstantial evidence that has been presented in the
22 case we think that there is serious other hypothesis that's
23 going on here which is what we presented to the jury, which
24 is what we want the Court to consider in its role as the
25 thirteenth juror.

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1 We presented evidence that Ms. Gorman was at work,
2 that she was unaware of any injuries being inflicted. At the
3 same time we presented evidence that Mr. Palmer's theories or
4 Mr. Palmer's explanations of what occurred during the day on
5 July 14th is inconceivable. His explanation is Minor got
6 up, ate breakfast, went back to sleep, took a nap, Minor got
7 up ate lunch, went back to sleep, took a nap. This is a
8 seventeen month old toddler. I would submit to the Court
9 that a seventeen-month old simply isn't going to sleep all
10 day. I would submit to the Court that Mr. Palmer's
11 explanation of Minor whereabouts during the day defies
12 logic and given that this is a circumstantial evidence case,
13 given that we've presented evidence that Ms. Gorman was at
14 work, she was at the IGA, she was in various places
15 throughout Aynor. We submit that this case should not have
16 been given to the jury to begin with. We believe the, the,
17 the evidence is insufficient and we believe the indictments
18 are insufficient as well.

19 Ms. Grabert-Lowenstein: Your Honor, if I may?

20 The Court: Yes.

21 Ms. Grabert-Lowenstein: I would, I'm sorry, I
22 would join Mr. Galmore's motion re the indictment and their
23 inconsistencies, and I believe that we have an even stronger
24 case for a new trial and arrest of judgment in this sense.
25 There was no testimony as to any agreement which would be the

1 basis of an aiding and abetting in this case. There was
2 evidence my client was out of the trailer, away from the
3 trailer, could not have heard anything, could not have been
4 aware of everything, when Ms. Gorman snapped and committed
5 the injuries and that's per the testimony presented by the
6 State.

7 I would also agree that you can't aid and abet and
8 also be guilty of the homicide. There was no evidence that
9 in addition that my client neglected this child in any, in
10 fact just the opposite. The only evidence of neglect was
11 solely on Ms. Gorman when she was overdosing the child with
12 the antihistamine.

13 We believe that there isn't sufficient evidence and
14 it's even more consistent as to Mr. Palmer so we would also
15 request a new trial and arrest of judgment.

16 The Court: Let me hear from the State.

17 Ms. Lively: Yes, Your Honor, thank you. Your
18 Honor, in regards to the indictment I believe that, or all
19 the indictments, clearly this is a notice document. It's not
20 evidence in the case.

21 The Court: Isn't this a waiver if the indictment
22 there's not a motion to quash?

23 Ms. Lively: Yes, that's true.

24 Mr. Galmore: Your Honor, we made a motion to
25 quash like two weeks ago.

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1 Ms. Lively: And but for the, and right before the
2 trial as well.

3 The Court: Okay.

4 Ms. Lively: We've gone through this, the
5 indictment issue ad nauseam, but in regards to the jury's
6 verdict and in regards to what the State's theory has been is
7 that we have a dead child. We have two perpetrators,
8 caretakers of the child. Under State v. Chad Smith our
9 court's have stated clearly the jury is the last one to sit
10 in judgment as to whether or not they were both involved as
11 principals and/or an aiding and abetting to cover up and/or
12 the, the process of how the actual infliction of the injury
13 to that child took place and then the decision they made to
14 cover it up.

15 Your Honor, that case as an exact mirror of the
16 evidence that I have in my case to an eerie level of
17 similarities. The Court clearly has stated that because of
18 the way homicide by child abuse cases are we do not have
19 usually a video as it's the type of crime that happens in
20 silence. Our courts understand that difficulty in proving
21 and bringing these cases to a jury and every single one of
22 the issues that defense is raising were clearly factual
23 issues that were presented to the jury who obviously compared
24 those to the law in the case and clearly were able to come to
25 a conclusion that they were both involved as principals and

1 in covering up the crime.

2 I think that their all six verdicts are consistent
3 with the evidence, consistent with the theory that they were
4 both involved, and that they were both very much responsible
5 for the death of this child, so the State stands by
6 everything that this jury has found.

7 The Court: Mr. Galmore, didn't we discuss the
8 Smith case? Didn't we discuss the alternative verdicts and
9 didn't we all agree prior to submitting this to the jury that
10 that was the law in this state?

11 Mr. Galmore: It is the law in this state, yes,
12 sir.

13 The Court: Mr. Galmore, you and Ms. Grabert-
14 Lowenstein, zealously represented your clients. You put
15 forth the issues that you argue now for a new trial. The
16 jury considered those issues; they considered all the
17 evidence in this case. They considered the State's evidence
18 and your evidence. This case was fully developed over the
19 last week. The jury has rejected your theories and I see no
20 reason or justification for this Court's setting aside the
21 verdicts of, of this jury and, therefore, your motions are
22 respectfully denied.

23 Mr. Galmore: Yes, sir, we respectfully take
24 exception to the Court's ruling.

25 The Court: Yes, sir, and I would expect you to.

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1 military to try to make a better life for my whole family and
2 in two weeks time he was taken from me when I was about to be
3 there and for the rest of my life I have to live with that
4 and accept that all I ever get to see again is my son's
5 gravestone. I can't have the privilege of holding him again.
6 I can't, I can't bring him back and I can't undo what's been
7 done, but to be fair, Your Honor, I have to live with this
8 for the rest of my life as my wife does. I know I'm not the
9 only one hurting but I can't bring him back.

10 The Court: Have your clients stand, please. Ms.
11 Grooms, excuse me, Mr. Palmer and Ms. Gorman, first of all
12 let me say this, I am not the judge of the facts in this
13 case, I'm the judge of the law. It's my job to instruct the
14 jury as to the law that they apply. This jury has made a
15 determination that both of you are responsible directly for
16 the death of this child. On review it is my job to determine
17 whether or not essentially if there's any evidence to support
18 the jury's verdict. In this case there is no doubt, no doubt
19 that this child died and that this child died violently at
20 the hands of one or both of you, no question about that.
21 This jury has determined that this was the act of both of
22 you. There's evidence certainly to support conviction of
23 either of you. You've essentially both pointed the finger at
24 each other, directly or indirectly you have done so. This
25 jury has obviously struggled with this case and it has handed

1 it to me with verdicts of guilty on all charges and that is
2 what I am left with. It's not my decision to go back and
3 review the evidence and say what I would have done. That
4 would not be appropriate. The question on your attorneys'
5 motions is whether or not there was evidence, direct
6 evidence, circumstantial evidence, a combination of the two,
7 that would support the verdict of the jury. This jury found
8 that beyond a reasonable doubt this was the correct verdict,
9 the verdict that I'm holding.

10 This case is as egregious as any I've seen. This
11 was a precious seventeen-month-old toddler. This was a baby
12 as precious as defenseless. No one who could defend him, no
13 way he could defend himself, and this is not a situation
14 where the child had a minor injury where things just went
15 wrong and unfortunately death ensued. This child received
16 crushing blows to both sides of his head leaving his head, or
17 his skull, like a fractured egg shell, and I am sure that he
18 experienced a painful death. Hopefully he, at least I hope
19 that he was as the doctor said rendered unconscious so that
20 he did not have to bear that pain. When I look at his, his
21 cat scans and his x-rays this was a terrible injury. It was
22 not one that happened by accident. It was not one that went
23 unnoticed. Whoever did it, struck the blow, knew very well
24 what you were doing or just did not care what you were doing,
25 and you callously caused the life, cost the life of this

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1 young child.

2 It gives me absolutely no pleasure to try these
3 cases. There's some forty-six judges around this state and
4 this is the case we all hate. This is the one we want no
5 involvement in. This is the one we always hope somebody else
6 has got to try, and I can tell you from having practiced law
7 for many many years your attorneys probably feel the same
8 way, and wish someone else had the case cause these are
9 terrible cases. They're not only rough cases for the defense
10 teams but they are for the prosecutors as well and the
11 jurors. They all take their toll on these people.

12 I have considered your ages, particularly your lack
13 of any criminal history, in trying to reach a sentence that
14 I believe would be fair. The statute says life on the
15 homicide by child abuse, says a minimum of twenty years up to
16 life. I try to think of a more egregious case, you know,
17 what would be a life sentence case, what would be a case that
18 would call for less. This is a case in which the object of
19 the prosecution is as severe as any could be, the killing of
20 a small defenseless child, the brutal killing of a small and
21 defenseless child; and on the other hand you don't have any
22 records of a pattern of child abuse, either one of you and
23 both of you have been around children. There's nothing that
24 suggests that this is a reoccurring thing and you're both
25 fairly young and you have no other criminal record and you've

1 had people from the community speak for you, so there are
2 some redeeming qualities that I see there, but on the other
3 hand this is an aggravated case that cries, cries for
4 justice.

5 Ms. Gorman, under Indictment 2010-GS-26-00841, an
6 indictment for unlawful conduct towards a child, the sentence
7 of the Court is that you be confined to the State Department
8 of Corrections for a period of ten years.

9 On the charge, or Indictment 2010-GS-26-2194,
10 aiding and abetting homicide by child abuse, the sentence of
11 the Court is that you be confined in the State Department of
12 Corrections for a period of twenty years.

13 On Indictment Number 2008-GS-26-3756, homicide by
14 child abuse, the sentence of the Court is you be confined to
15 the State Department of Corrections for a period of thirty-
16 five years, all of these sentences to run concurrent.

17 As to Mr. Palmer, Indictment Number 2008-GS-26-
18 4120, an indictment for unlawful conduct towards a child, the
19 sentence of the Court is that you be confined to the State
20 Department of Corrections for a period of ten years.

21 On Indictment Number 2010-GS-26-2195, an indictment
22 for aiding and abetting homicide by child abuse, the sentence
23 of the Court is you be confined to the State Department of
24 Corrections for a period of twenty years.

25 On Indictment Number 21, excuse me, 2010-GS-26-

Harvey County Police Department
Criminal Investigations Division

Advisement of Miranda Rights

YOU HAVE THE RIGHT TO REMAIN SILENT. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

YOU HAVE THE RIGHT TO TALK WITH A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU SO DESIRE.

IF YOU MAKE A STATEMENT OR ANSWER ANY QUESTIONS, YOU HAVE THE RIGHT TO STOP AT ANYTIME.

Do you understand your rights as I have read them to you?

Yes: No:

Understanding your rights, do you wish to waive them and make a statement Or answer questions at this time?

Yes: No:

(Signature)

Date:

7/18/08

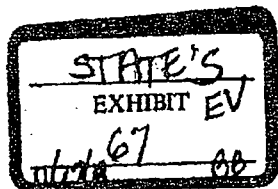
Time:

10:06 a.m.

Location:

HCPD

Witness:



WITNESSES

David Weaver Horry County Police Department

DOCKET NO. 2008-GS-26- 3756

The State of South Carolina

County of Horry

Candice Lively

08H03112

COURT OF GENERAL SESSIONS

SEPTEMBER, 2008 TERM

ARREST WARRANT NUMBER

J612055

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

DOA: 7/18/2008

THE STATE

vs.

Julia Shawnette Gorman

W/F

DOB: 1971-04-06

SSN.

ATTORNEY: Floyd, W. Thomas

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: SEP 25 2008

VERDICT

Indictment for

HOMICIDE BY CHILD ABUSE

CLERK OF COURT
J. Gregory Hembree, Solicitor

2011 NOV 23 AM 9:59

Foreperson of Petit Jury

Date:

FILED
HORRY COUNTY

ORIGINAL

CERTIFIED COPY
2011 NOV 23 AM 10:05
J. Gregory Hembree
CLERK OF COURT
HORRY COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on September 25, 2008, the Grand Jurors of Horry County present upon their oath:

RELEASED
2011 NOV 23 AM 10:05
CERTIFIED COPY
CLERK OF COURT
HORRY COUNTY

HOMICIDE BY CHILD ABUSE

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

That **JULIA SHAWNETTE GORMAN** did in Horry County, on or about July 14, 2008, cause the death of R.A.G., a seventeen month old child, while committing child abuse or neglect, and the child's death occurred under circumstances manifesting an extreme indifference to human life, in violation of Section 16-03-0085(A)(1)(B)(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 Hembree
J. GREGORY HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

FILED
2011 NOV 23 AM 9:59
HORRY COUNTY
CLERK OF COURT
MEANE HENNING-WARD

Julia Shawnette Gor.

890A: Race: WHITE Sex: F Age: 40
 DOB: 04-06-1971 SS#
 Address:
 City, State, Zip: Conway, SC 29526
 DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Homicide by child abuse (20Y to Life)

in violation of § 16-03-0085(A)(1)(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2356
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) § 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Lively, Candice SCB12123 Defendant James G. Attorney for Defendant SC Bar# 8386

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 35 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Nov. 18, 2011
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
 Total: \$ plus 20% fee: \$

Payment Terms:
☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 173.90

Clerk of Court: Melaine Huggins Ward
 Court Reporter: Brenda Babh

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2008GS2603756
 A/W#: J612055
 Date of Offense: 7/11/2008
 S.C. Code § 16-03-0085(A)(1)(B)(1)
 CDR Code #: 2356

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

CERTIFIED COPY
 2011 NOV 23 AM 10:59
 Horry County Clerk of Court

PTUP
 days/hours Public Service/ Employment
 Obtain GED ☐
 Attend Voc. Rehab. or Job Corp.
 May serve W/E beginning
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 beginning 12/18/2011
 \$ paid to Public Defender Fund
 Other:

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge
 Judge Code: 2152
 Sentence Date: 11-18-2011

DOCKET NO. 2010-GS-26-

00841

WITNESSES

David Weaver, Horry County Police Department

The State of South Carolina

County of Horry 2011 NOV 23 AM 9:59

Candice Lively

08H03112
MEAGHAN THEGINS-WARD
CLERK OF COURT

COURT OF GENERAL SESSIONS

February, 2010 TERM

THE STATE

VS.

Julia Shawnette Gorman
W/F

DOB: 1971-04-06
SSN:

ATTORNEY: Knowles, Melinda

Indictment for

Unlawful Conduct Towards a Child

J. Gregory Hembree, Solicitor

ORIGINAL

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: FEB 18 2010

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on February 18, 2010, the Grand Jurors
 Horry County present upon their oath:

CERTIFIED COPY
 2011 NOV 23 AM 10:05
 Horry County
 Clerk of Court
 Horry County

UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

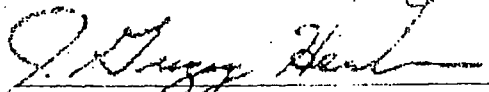
284

through July 14

That Julia Shawnette Gorman 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, R.G., age 17 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 63-5-70, 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.

FILED
 Horry County
 2011 NOV 23 AM 9:59
 MELANIE HUGGINS-WARD
 CLERK OF COURT


 J. GREGORY HEMBREE
 FIFTEENTH CIRCUIT SOLICITOR

STATE

VS.

Julia Shawnette Go.

INDICTMENT/CASE#: 2010GS2600841

A/W#: 2010GS .0841

893

Date of Offense: 7/11/2008

S.C. Code § 63-5-0070

CDR Code #: 2481

AKA:

Race: WHITE Sex: F Age: 40

DOB: 04-06-1971 SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Children / Legal custodian, unlawful neglect of child or helpless person☒ CONVICTED OF or ☐ PLEAS

in violation of § 63-5-0070 of the S.C. Code of Laws, bearing CDR Code # 2481

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45.The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Lively, Candice

SCB12123

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Nov. 18, 2011☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-25 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

	\$	\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ 25.00 beginning 12/18/2010

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 252

Sentence Date: 11-18-2011

Clerk of Court/ Deputy Clerk

Court Reporter: Brenda Bann

SCCA/217 (03/2011)

2011 NOV 23 AM 9:05
CERTIFIED COPY
HARRIS COUNTY
CLERK OF COURT

2011 NOV 23 AM 9:59
FILED
HARRIS COUNTY
CLERK OF COURT

DOCKET NO. 2010-GS-26- 02194

WITNESSES

David Weaver Horry County Police Department

CERTIFIED COPY
2011 NOV 23 AM 10:05

Melanie Huggins-Ward
CLERK OF COURT
HORRY COUNTY

C
The State of South Carolina
County of Horry

Candice Lively

2011 NOV 23 AM 9:59
08H03112

MELANIE HUGGINS-WARD
CLERK OF COURT

COURT OF GENERAL SESSIONS

May, 2010 TERM

ARREST WARRANT NUMBER

2010GS2602194

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

DOA: 7/18/2008

THE STATE

vs.

Julia Shawnette Gorman
W/ F

DOB: 1971-04-06
SSN:

ATTORNEY: Galtmore, James Cullen

ACTION OF GRAND JURY

TRUE BILL

Martha H. Gorman
Foreperson of Grand Jury
Date: MAY 27 2010

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 Jury of Horry County present upon their oath:

HOMICIDE BY CHILD ABUSE

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

That Julia Shawnette Gorman did in Horry County, from on or about July 14, 2008, ~~through July 14, 2008~~, knowingly aid and abet another to commit child abuse and neglect upon R.A.G. (MINOR), a seventeen month old child, resulting in his death, in violation of Section 16-03-0085(A)(2)(B)(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 Ambree
 J. GREGORY AMBREE
 FIFTEENTH CIRCUIT SOLICITOR

FILED
 Horry County
 2011 NOV 23 AM 9:59
 CLERK OF COURT
 Horry County

STATE

VS.

Julia Shawnette Gor.

896

AKA:

Race: WHITE Sex: F Age: 40

DOB: 04-06-1971 SS#:

Address:

City, State, Zip: 6

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Homicide by child abuse, aiding and abetting (10Y to 20Y)

in violation of § 16-03-0085(A)(2)(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2357

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ 16-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: SCB12123 Defendant James Glean Attorney for Defendant 9376 SC Bar#
Lively, CandiceWHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: Nov. 18, 2011
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2010GS2002194

A/W#: 2010GS: 1194

Date of Offense: 7/11/2008

S.C. Code §: 16-03-0085(A)(2)(B)(2)

CDR Code #: 2357

SENTENCE SHEET

☒ CONVICTED OF

2011 NOV 23 AM 10:45
 CERTIFIED COPY
 FILED
 HORRY COUNTY
 CLERK OF COURT
 MELANIE HUGGINS-WARD

PTUP

_____ days/hours Public Service/Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ 25.00 beginning 12/18/2011

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2152

Sentence Date: 11-18-2011

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."

August 6th, 2013



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT