

**ORIGINAL**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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

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The State,

Respondent,

vs.

Julia Gorman,

Appellant.

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**SUPPLEMENTAL RECORD ON APPEAL**

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**SC Court of Appeals**

**INDEX**

TESTIMONY

Tina Shaw Millan.....1

Ms. Milan - Direct Examination by Ms. Lively

329

1 do you recall?

2 A Yes, I was.

3 Q And did you have an opportunity to come in  
4 contact with a toddler on July the 14th, 2008, in the E.R.?

5 A Yes.

6 Q Okay, please tell the jury what you recall  
7 seeing whenever you first came into contact with this  
8 toddler?

9 A Can I refer to my notes?

10 Q Absolutely.

11 A Okay, could I grab them now?

12 Q Sure, go ahead, that's fine.

13 A I was, it was actually Room 9 cause I  
14 remember the room number, this child came in and I was told  
15 he had been seizing since 6:00 from the day shift nurse  
16 that was on which was Lisa, and then when I immediately  
17 observed him I found that he was, and I'll read from my  
18 notes which I documented, that he was unresponsive, he was  
19 posturing, which is an abnormal flexion, and also seizing  
20 at the time, and he had no response whatsoever and his  
21 pupils were dilated.

22 Q And in your experience in dealing with  
23 traumatic injuries in the E.R. what was, what did you  
24 consider his prognosis to be at that time?

25 A Very critical.

Ms. Milan - Direct Examination by Ms. Lively

330

1 Q Okay, and whenever you actually had the  
2 opportunity to make those observations were there any other  
3 people in that Room Number 9 with you when you were caring  
4 for the child?

5 A Yes, at that time there was Lisa, still  
6 cause she was giving me report, and I was also observing  
7 Dr. Cacace. We also had the two family members that came  
8 in with the child which was the boyfriend and the  
9 grandmother.

10 Q Okay, now when you were in the room with  
11 the child what were ya'll doing immediately to try and  
12 treat his symptoms?

13 A We were giving him medication to stop the  
14 seizing and we were also putting in the I.V.'s and drawing  
15 blood like we normally do on all of our patients.

16 Q Okay, and who provided you with a history  
17 as to any injuries or, you know, illnesses in regards to  
18 this particular child?

19 A The grandmother.

20 Q All right, and do you see the grandmother  
21 in the courtroom now?

22 A I can't remember her face as much but it's  
23 been a long time, 2008.

24 Q Okay, and what information did the  
25 grandmother provide to you?

Ms. Milan - Direct Examination by Ms. Lively

331

1           A       She had told us that he had been seizing,  
2 she had also told us that he was on a medication. She  
3 didn't really tell us why he was on that medication, which  
4 we knew what the medication was. She also told us that he  
5 hadn't fallen or anything and we were told by the  
6 grandmother, you know, that at first she was the mother and  
7 then stated she was the grandmother of the child.

8           Q       Okay, what medication was reported to you  
9 as being the one that the child was on?

10          A       Xyzal.

11          Q       Xyzal, and were you familiar with that  
12 medication?

13          A       Yes.

14          Q       All right, and did she give you approximate  
15 time line as to when the last time the child would have  
16 received that medication?

17          A       Yes, can I refer to my notes?

18          Q       Please do.

19          A       She said it was on 7-11-2008 at 21:00.

20          Q       Okay, and the day that of his visit was 7-  
21 14-2008, correct?

22          A       Correct.

23          Q       Did she tell you what amount of that  
24 particular medication that she was administering to the  
25 child?

1 A Yes, she did.

2 Q How much?

3 A I'm going to review my notes, 2.5  
4 teaspoons.

5 Q Two point five teaspoons?

6 A Uh-huh.

7 Q Yes, now whenever you got this information  
8 from the grandmother did she, was there anything else that  
9 she said or did that, that you noticed?

10 A She was very anxious, pacing back and forth  
11 in front of the bed, seemed very upset, and the boyfriend  
12 was there with her as well.

13 Q And what did you notice about the  
14 boyfriend, if anything?

15 A Very concerned about the child. While the  
16 child was seizing he actually wanted to approach the bed  
17 and I told him he could go ahead and talk to the child and  
18 he was holding his hand.

19 Q Okay, and what about the grandmother, did  
20 she do the same?

21 A She didn't at first and then she did later  
22 on.

23 Q And at any point in time did Aydain become  
24 responsive?

25 A No, no, not at all.

Ms. Milan - Direct Examination by Ms. Lively

333

1 Q All right, in reference to your notes,  
2 which you've provided to myself as well as the defense,  
3 what is a Glasgow Coma Score?

4 A It is what we use for a neurological exam  
5 to see how well the patient is responding to us.

6 Q Okay, all right, and tell the jury what the  
7 three different things are that you look for in  
8 establishing a score for a particular patient?

9 A Okay, can I review to my notes?

10 Q Absolutely.

11 A We would have used three things, eye  
12 response; we'd also do verbal response and motor response.

13 Q Okay, and before you came on to your, to  
14 work that night had there been some type of, you said Lisa  
15 was there before you?

16 A Uh-huh.

17 Q Okay, so had she already done that type of  
18 testing on Aydain before you got there?

19 A She did, yes.

20 Q And is that documented in your nurses  
21 notes?

22 A I'm going to look real quick.

23 Q Okay?

24 A Yes, it is.

25 Q Okay, please tell the jury what Aydain's

Ms. Milan - Direct Examination by Ms. Lively

334

1 Glasgow Coma Score was at the time that it was first  
2 noted?

3 A It was noted at 19:02 and it was a five.

4 Q Okay, what is the range for a Glasgow Coma  
5 Score?

6 A It can go from three which would be coma  
7 and then fifteen which is the highest which they're awake  
8 and alert.

9 Q Okay, and whenever you're dealing with a  
10 trauma patient in the E.R. what level Glasgow Coma Score  
11 concerns you greatly regarding that particular patient?

12 A Anything below nine.

13 Q Below nine?

14 A Yes.

15 Q And when Aydain got there at 7:02 his was a

16 --

17 A Five.

18 Q Five, now while he was in your care was  
19 there any improvement to his, his physical condition?

20 A No.

21 Q All right, was there anything additional  
22 that you did regarding this child with regard to his  
23 breathing, let's talk about that first?

24 A Okay, yeah, we put a breather on him to  
25 make sure he's getting enough oxygen at a hundred percent.

Ms. Milan - Direct Examination by Ms. Lively

335

1 Q Okay, and what is that to do?

2 A Just basically making sure that he's  
3 getting a lot of oxygen and that we're not depriving him of  
4 any oxygen.

5 Q Okay, what observations, if any, did you  
6 make regarding his breathing?

7 A He was very labored and grunting.

8 Q And did that give you any concern?

9 A Yes, it did.

10 Q Why is that?

11 A Because they can't keep going like that.  
12 They're going to eventually get tired where they'll not  
13 breath at all.

14 Q Okay, and so in regards to his heart rate  
15 were you ever able to get his heart rate while he was in  
16 your care?

17 A Can I look real quick at my notes?

18 Q Please do.

19 A I did get it down some but the lowest I  
20 could get it was 142.

21 Q And for a child his age is that, is that a  
22 concern?

23 A Yes, it is.

24 Q What would you have liked to have seen it,  
25 the range be for him?

Ms. Milan - Direct Examination by Ms. Lively

336

1           A       At least 110 to 115.

2           Q       Now how long, were you caring for him the  
3       entre time he was there?

4           A       I was, yes.

5           Q       And at some point in time was there a  
6       decision made regarding where, whether his care was going  
7       to continue at Conway Medical Center?

8           A       Yes, as soon as we got the cat scan.

9           Q       Okay, all right, and when you got the cat  
10      scan were you able to review that cat scan and be with the  
11      E.R. doctor to determine the next stage in his, in Aydain's  
12      care?

13          A       I was in the actual cat scan with the child  
14      and was in the back watching the scan while I was watching  
15      Aydain at the time and then when I saw it I called  
16      immediately to Dr. Cacace to pull it up and look at the cat  
17      scan and then when we came back he came into the room.

18          Q       Okay, what did you see?

19          A       I saw cranial skull fractures.

20          Q       Skull fractures?

21          A       Uh-huh.

22          Q       Okay, and what else did you see in regards  
23      to those scans?

24          A       I noticed a little bit of bleeding in the  
25      back of the head as well.

Ms. Milan - Direct Examination by Ms. Lively

337

1 Q Now whenever you saw the skull fractures  
2 and the bleeding, well let me ask you this, with that kind  
3 of trauma what kind of a history would you expect to get as  
4 to what had happened to this child?

5 A Any, it could range from anything of a  
6 child falling from a second story building, a car accident  
7 being thrown from a car or any kind of abuse to the child,  
8 I mean it can range from a lot of things.

9 Q Okay, now whenever you saw Aydain in the  
10 hospital did you see any outside injuries or anything that  
11 gave you concern?

12 A Yes, I did.

13 Q Okay, and what were those?

14 A I'm going to look at my notes again and  
15 tell you.

16 Q Okay.

17 A I saw bruising on his right hand, his right  
18 thigh, and his left thigh. I also saw a bruise on his  
19 lower side of his chest on the left side.

20 Q And, and why do you document things like  
21 that?

22 A Because normally you wouldn't see that on a  
23 child at all, I mean you would see it maybe a little  
24 scratch here or there but you wouldn't see the type of  
25 bruises that I saw.

Ms. Milan - Direct Examination by Ms. Lively

338

1 Q And at the time whenever you were observing  
2 him in the hospital what did he have on his body clothing-  
3 wise?

4 A I can't remember, honestly.

5 Q All right, but you did document the  
6 bruising?

7 A Yes, I did.

8 Q Was there ever a time whenever you  
9 discussed with the grandmother or the boyfriend anything  
10 about how he got the bruises?

11 A I did ask and I was told by the grandmother  
12 that he did not have any falls.

13 Q Okay, that was the only response you got?

14 A Yeah, other, well I did get one other  
15 response from the boyfriend, he said that he was dragging  
16 his foot but, you know, earlier that day but I don't  
17 remember anything else at that time.

18 Q Okay, and was there any follow up in  
19 regards to dragging his foot, what do you mean or anything  
20 like that?

21 A They just said that he had eaten earlier  
22 and was dragging his foot.

23 Q Okay, all right, so he had eaten earlier?

24 A Uh-huh.

25 Q Okay, was there any information, was any

Ms. Milan - Direct Examination by Ms. Lively

339

1 information provided to you as to anyone else who had cared  
2 for that child?

3 A I was just told that the, the dog, I'm  
4 sorry, the mother of the child had dropped him off, but I  
5 don't know when.

6 Q That the mother of Aydain had dropped him  
7 off?

8 A Yeah, with the grandmother.

9 Q Okay, did the grandmother say anything else  
10 to you about the mother or concerns that she had with the  
11 mother and this child?

12 A Yes, she did, she, she had also told me  
13 that she was a drug addict and she just dropped the child  
14 off and she didn't know where she was.

15 Q Now after the skull fractures were seen on  
16 the cat scans and who made the decision that Aydain was to  
17 be transferred?

18 A Dr. Cacace.

19 Q Okay, and is that a normal procedure  
20 whenever you have a child with these type of injuries?

21 A Yes.

22 Q Why is that?

23 A We are a level three hospital and you need  
24 a level one hospital to care for a patient in that critical  
25 state.

Ms. Milan - Direct Examination by Ms. Lively

340

1 Q And so do you, and you can refer to your  
2 notes, do you recall when the child was going to be  
3 transported to MUSC?

4 A The child left at 22:33, I mean could you  
5 repeat the question?

6 Q Okay, that's basically my question when was  
7 he actually transferred to MUSC, you said 22 --

8 A Thirty-three which is 10:33.

9 Q 10:33 p.m.?

10 A Uh-huh.

11 Q And, and who was it that actually comes and  
12 gets the child?

13 A We actually had Megicare come, they flew  
14 into our hospital to fly the child out.

15 Q And whenever they come and get the child at  
16 that point in time is that when you relinquish your care of  
17 the child?

18 A Yes.

19 Q Can you recall, and you might have said  
20 this, was this an air flight or was it an ambulance?

21 A It was an air flight.

22 Q Okay ---

23 A We, I'm sorry.

24 A No, that's fine, and whenever, by the time  
25 they got there what was Aydain's condition right before he

Ms. Milan - Direct Examination by Ms. Lively

341

1 left?

2 A He was still critical.

3 Q He was still critical?

4 A Uh-huh.

5 Q And had his Glasgow Coma Score changed in  
6 any way, shape or form?

7 A Oh, yeah.

8 Q It did?

9 A Yes.

10 Q Okay, when did you reassess him for his,  
11 those three things you look at in regards to Glasgow Coma  
12 Score?

13 A I'm going to look at my notes again.

14 Q That's fine.

15 A 20:30.

16 Q And that would be 10:30?

17 A That would be 9, I'm sorry 8:30.

18 Q 8:30?

19 A Uh-huh.

20 Q Okay, thank you, 8:30, and what was his  
21 Glasgow Coma Score for each thing you look at?

22 A It was a three.


23 Q It was a three?

24 A Uh-huh.

25 Q And you stated earlier that three is

**CERTIFICATE OF COUNSEL**

Counsel for Respondent certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

By:   
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September 9, 2013

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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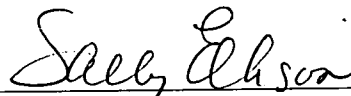
**PROOF OF SERVICE**

I, Sally Ellison, certify that I have served the Supplemental Record on Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Susan B. Hackett, Esquire  
Appellate Defender  
South Carolina Commission on Indigent Defense  
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I further certify that all parties required by Rule to be served have been served.

This 9<sup>th</sup> day of September, 2013.



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September 9, 2013

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Re: The State v. Julia Gorman

Dear Ms. Hackett:

Enclosed please find two (2) copies of the Supplemental Record on Appeal, along with proof of service, in the above-referenced State's appeal.

Sincerely,

William M. Blich, Jr.  
Assistant Attorney General

Enclosures

cc:  The Honorable Jenny A. Kitchings (original & 9 copies enclosed)  
Victim Services

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