

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lexington County

D. Craig Brown, Circuit Court Judge

VOLUME II OF II
RECEIVED
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SC SUPREME COURT

BENNIE GOLSTON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-000289

APPENDIX

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

APPLICANT'S EXHIBIT NO. 3 (Color Booking Photograph)

DEFENDANT'S EXHIBIT NO. 1 (Black and White Booking Photograph)

1 Q. Who should have testified?

2 A. The medical report should have been all the evidence
3 that was needed.

4 Q. That the records should have spoken for themselves?

5 A. True.

6 Q. Since the State didn't offer the medical records
7 into evidence and the State offered a nurse to testify
8 instead, you believe that your lawyer should have fixed
9 that by entering the medical records into evidence himself,
10 correct?

11 A. True.

12 Q. Okay. Anything further? Do you want to elaborate on
13 why or have you explained it? Do you want to explain why
14 your lawyer should have entered the medical records?

15 A. Well, he didn't enter them at the preliminary hearing,
16 so I couldn't get a bond reduction and that's why I stayed
17 in jail for seventeen months and was probably offered the
18 two-year plea to cover up everything.

19 Q. Well, specifically talking about trial, why should
20 your lawyer have offered the medical records?

21 A. How are you gonna try and convict me without the
22 medical records?

23 Q. You just think the jury should have had them?

24 A. Right. You can say anything.

25 Q. How do you think the medical records would have helped

1 your trial -- your defense?

2 A. Well, it would prove she didn't have serious bodily
3 injury.

4 Q. Serious bodily injury is one of the elements for
5 domestic violence of a high and aggravated nature, correct?

6 A. Right.

7 Q. All right. Did you talk with your attorney or -- and
8 also with me that -- have you been informed that a way that
9 CDV hand can be proven can also be by an allegation of a
10 presence of a weapon; is that right?

11 A. Right.

12 Q. Okay. You understand that that was entered in trial?
13 That there was an allegation of a presence of a weapon
14 offered in trial?

15 A. Yes, ma'am.

16 Q. You understand that?

17 A. Yes.

18 Q. All right. You also have -- or allege that your
19 lawyer should have introduced your booking photo into
20 evidence; is that right?

21 A. Right.

22 Q. And this goes back to your self-defense argument?

23 A. Right.

24 Q. Do you remember being arrested on March 22, 2008?

25 A. I remember.

1 Q. May I approach, Your Honor?

2 **THE COURT:** Yes, ma'am.

3 BY MS. GOLDBERG:

4 Q. Mr. Golston, I'm handing you what's actually
5 Applicant's Exhibit Number 3. Do you see that photograph?

6 A. Yes, ma'am.

7 Q. Is that a fair and accurate depiction of what you
8 looked like on March 22, 2008?

9 A. Well, there's the scars, but the only thing that
10 wasn't showed was my lip was cut all the way through from
11 the inside.

12 Q. Okay. So there are some things not shown?

13 A. Right.

14 Q. But, generally speaking, is that a photograph of you
15 on that date?

16 A. Yes, ma'am.

17 Q. Okay. That's your booking photo from that date?

18 A. Yes, ma'am.

19 **MS. GOLDBERG:** Your Honor, at this time I'd introduce
20 Applicant's Exhibit Number 3.

21 **MR. SCHMECKPEPER:** I have no objection.

22 **THE COURT:** Without objection, it's so admitted.

23 (Applicant's Exhibit Number 3, a color booking
24 photograph, was admitted into evidence.)

25 BY MS. GOLDBERG:

1 Q. Do you know if your lawyer had a copy of that color
2 photo?

3 A. He asked at the preliminary hearing for one. The
4 solicitor asked to get one authenticated to present to the
5 jury that never was shown.

6 Q. All right. Do you know if he ever got a copy of the
7 color one?

8 A. I don't know.

9 Q. You and your lawyer had discussed the need to get a
10 copy of one; is that true?

11 A. No, he didn't.

12 Q. No, you never talked about it?

13 A. No.

14 Q. He never mentioned it to you?

15 A. No.

16 Q. At trial, a booking photo was never introduced and
17 shown to the jury; is that correct?

18 A. It wasn't.

19 Q. Do you think your lawyer should have introduced it as
20 evidence?

21 A. They introduced the victim's picture.

22 Q. Uh-huh. So they should have introduced yours also?

23 A. I had to show why I slapped her.

24 Q. Okay. Can you explain to the Court what about that
25 picture would have been helpful for your case? What does

1 it show?

2 A. Well, it shows where she jumped on me.

3 Q. No, more specifically, what do you see in that picture
4 do you think that you think would be helpful?

5 A. The scars on my face because she hit me in the mouth
6 and nose and face.

7 Q. And you testified at trial that the victim scratched
8 your face, correct?

9 A. Right.

10 Q. So this picture would have corroborated your
11 testimony?

12 A. Yes, ma'am.

13 **MS. GOLDBERG:** May I approach, Your Honor?

14 **THE COURT:** Yes, ma'am.

15 BY MS. GOLDBERG:

16 Q. Your next allegation is that counsel failed to address
17 the fact that a deputy altered or lied in his police
18 report.

19 A. He did.

20 Q. Explain that to me.

21 A. The police report said he observed injuries; arm,
22 neck, head and shoulders, from the use of a wooden log
23 and a hatchet. The victim testified she wasn't hit with
24 nothing.

25 Q. Are you referring to anything -- any specific page or

1 any specific portion of the trial transcript or are you
2 just referring to the lack of --

3 A. I went through it --

4 **THE COURT:** Hold on a minute. Sir, let her finish
5 her question before you start answering because my court
6 reporter can't take down when both of you are talking,
7 okay?

8 **THE WITNESS:** Yes, sir.

9 **THE COURT:** Ms. Goldberg, please finish your question.

10 **MS. GOLDBERG:** Thank you, sir.

11 BY MS. GOLDBERG:

12 Q. Are you saying that it's just not mentioned in the
13 transcript or are you citing to a particular portion of the
14 transcript where the victim said she was not hit with these
15 things?

16 A. She said it in the courtroom.

17 Q. What did she say?

18 A. She said she wasn't hit with anything.

19 Q. All right. That would be reflected in the transcript?

20 A. I can find it if it's in there. I think I -- this
21 thing's got about 360 pages in it. I went through it, but
22 for me to just go pinpoint it, it will take me a minute or
23 two.

24 Q. Okay. Well, what we may do with the -- the Court and
25 the Attorney General's permission is that by the end of

1 this hearing if Mr. Golston is able to find a particular
2 page he'd like everyone to know, we'll just let the Court
3 know about what page number that is. At this point in time
4 I haven't been given one.

5 **THE COURT:** Okay.

6 **MS. GOLDBERG:** May I approach, Your Honor?

7 **THE COURT:** Yes, ma'am.

8 BY MS. GOLDBERG:

9 Q. Mr. Golston, I'm handing you Applicant's Exhibit
10 Number 2. For the record here, is that the police report
11 you're referring to?

12 A. Well, I see Gail Mack, the witness on here; Gail
13 Jones. I see the victim's name on it. What am I supposed
14 to be looking for on here?

15 Q. I'm asking if that is the incident report that you
16 have a problem with?

17 A. Right, this is the victim's address. Gail Jones, the
18 witness, and the victim. Right, this is the address on
19 here.

20 Q. That is the document that you thought was different
21 than the testimony; is that right?

22 A. Well, I haven't went all the way through this, you
23 know.

24 Q. Okay.

25 A. Yes, this is it.

1 Q. All right. Is there a particular portion you have a
2 problem with?

3 A. No, ma'am.

4 **MS. GOLDBERG:** For the record, we offer Exhibit
5 Number 2 into evidence.

6 **THE COURT:** Any objection?

7 **MR. SCHMECKPEPER:** I have no objection.

8 **THE COURT:** Admitted.

9 (Applicant's Exhibit Number 2, a police report, was
10 admitted into evidence.)

11 BY MS. GOLDBERG:

12 Q. Mr. Golston, you've also alleged that your lawyer
13 didn't argue the cohabitation or the living together issue
14 enough in trial; is that right?

15 A. Right.

16 Q. What more could your lawyer have done that he didn't
17 do?

18 A. Well, the -- the charge, they said that my residence
19 -- they wouldn't use that residence because it wasn't --
20 it didn't have running water and power, but the victim
21 house didn't have running water and power five days prior
22 because she was living in Philadelphia, she had just moved
23 down there, to turn the power on.

24 Q. And you don't think your lawyer addressed those
25 issues?

1 A. No.

2 Q. Didn't bring them up in cross-examination?

3 A. No, ma'am.

4 Q. And, finally, you've alleged that trial counsel should
5 have requested a mistrial when the Court determined that
6 the State's witness, Tareek Johnson, committed perjury.
7 This is in the transcript on pages 351 through 352. Does
8 that sound right to you?

9 A. It could be. I think I gave it to you.

10 Q. What you do think your lawyer should have done?

11 A. Well, he was a key witness for the State and he had
12 bust the windows out my house and bust the door and he
13 lied about it and there was a witness that came up and told
14 and they charged him with perjury, but I never heard the
15 outcome of it.

16 Q. What do you think your lawyer should have done about
17 it?

18 A. He was supposed to do what a lawyer is supposed to do;
19 his job.

20 Q. Do you think he should have asked for a mistrial?

21 A. Right.

22 Q. Does that cover your allegations, Mr. Golston?

23 A. Yes.

24 **MS. GOLDBERG:** All right. No further questions.

25 **THE COURT:** Cross-examination?

1 **MR. SCHMECKPEPER:** Thank you, Your Honor. May it
2 please the Court?

3 **THE COURT:** Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. SCHMECKPEPER:

6 Q. Good morning, Mr. Golston -- or good afternoon.

7 A. How you doing?

8 **THE COURT:** Can you hand me that document? Hold on a
9 second. Thank you. Go ahead.

10 BY MR. SCHMECKPEPER:

11 Q. Mr. Golston, have you ever seen these medical records?

12 A. No, sir. Nothing but the transcript part of it.

13 Q. And your testimony is that you met with your attorney
14 two or three times?

15 A. Right.

16 Q. And he never showed any discovery to you?

17 A. No, sir.

18 Q. He never discussed the case with you?

19 A. No.

20 Q. And he always wanted to -- he tried to pressure you
21 into a guilty plea; is that correct?

22 A. Right.

23 Q. But you wanted to go to trial the whole time? You
24 wanted to go to trial the whole time; is that correct?

25 A. Yes.

1 Q. Your -- your main defense here was self-defense; is
2 that correct?

3 A. True.

4 Q. And you got a self-defense charge from the judge? The
5 judge charged the jury with self-defense; is that correct?

6 A. Right.

7 Q. Mr. Golston, do you have any background in the medical
8 industry?

9 A. Sir?

10 Q. Do you have any background in the medical industry?

11 A. On my medical history?

12 Q. Do you have any background in the medical industry?

13 A. No, sir.

14 Q. Are you an expert in medicine?

15 A. No.

16 **MR. SCHMECKPEPER:** I beg the Court's indulgence.

17 **THE COURT:** Yes, sir.

18 BY MR. SCHMECKPEPER:

19 Q. Now if I recall correctly, you testified concerning
20 the allegation trial counsel failed to address the fact
21 that the deputy altered his incident report.

22 A. Right.

23 Q. And you said you couldn't find anything wrong with
24 that incident report?

25 A. Well, he said he found injuries; arm, neck, head and

1 shoulders, from the use of a wooden log and a hatchet.

2 That enhanced the charge.

3 Q. When you looked at the incident report right now --
4 just now, you said you couldn't find anything wrong with
5 it; is that correct?

6 A. I didn't look at the fine writing. I'm a slow reader
7 and I have to take time and look at things. And to go
8 straight to the point, I don't do this every day.

9 **MR. SCHMECKPEPER:** I beg the Court's indulgence. I
10 have no further questions, Your Honor.

11 **THE COURT:** Any redirect?

12 **MS. GOLDBERG:** No, Your Honor.

13 **THE COURT:** Sir, you may step down. Thank you.

14 (Witness excused.)

15 **MS. GOLDBERG:** No further witnesses for the Applicant,
16 Your Honor.

17 **THE COURT:** All right.

18 **MR. SCHMECKPEPER:** Your Honor, at this point the
19 State is gonna move for summary judgment on Allegations A,
20 B and C. To the extent there's any allegation that counsel
21 was ineffective or that -- anything regarding the medical
22 records, we're moving for summary judgment. The South
23 Carolina Court of Appeals found that -- pretty much the
24 word on this issue decisively and found there was no
25 evidence in any regard to show that -- there was no

1 evidence for which the jury could have found that
2 Mr. Golston was guilty of criminal domestic violence
3 instead of criminal domestic violence of an aggravated
4 nature. They found that there was no facts to the jury
5 whether or not Mrs. -- or that the victim's injuries here
6 were high -- were of a high and aggravated nature. As a
7 result, we'd move for summary judgment.

8 **THE COURT:** I'll deny it at this time. Put up your
9 witness, please.

10 **MR. SCHMECKPEPER:** The State calls -- I beg the
11 Court's indulgence. The State calls Matt Buchanan, trial
12 counsel.

13 MATT BUCHANAN,
14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. SCHMECKPEPER:

17 Q. Good morning -- or good afternoon, Mr. Buchanan.

18 A. Good afternoon.

19 Q. How are you doing today?

20 A. I'm doing fine. Thank you.

21 Q. Just a few questions. The first one is could you go
22 over you're background in criminal law?

23 A. All right. I -- starting with -- I graduated law
24 school from the University of Cincinnati in 2004, passed
25 the South Carolina Bar in 2005. I started with the

1 Department of -- I started with the Lexington County
2 Public Defender's office in early 2006, I think it was
3 like March or April, and I left the public defender's
4 office in 2013, and I'm now the general counsel for the
5 Department of Probation, Parole and Pardon Services.

6 Q. And do you remember getting -- were you appointed on
7 this case?

8 A. Yes, as a public defender this was one of my assigned
9 cases.

10 Q. Do you remember getting appointed? Approximately
11 when?

12 A. Actually, I don't. It would have been probably
13 very, very shortly after he was appointed to the public
14 defender's office, probably within that week, whenever that
15 was. I don't have the -- I don't have the records anymore.
16 I know that the public defender's office looked for my file
17 and I -- I don't have that information in front of me. So
18 as far as dates goes, I really can't tell when -- when he
19 was appointed and when my first view of the -- of the case
20 was. I'm sorry.

21 Q. Do you remember approximately how much time elapsed
22 between your appointment and his trial?

23 A. I think it was about a year.

24 Q. And how many times approximately did you meet with
25 Mr. Golston during that time?

1 A. I cannot remember, but I know it would have been
2 several, especially towards -- as we were gearing up for
3 trial. Usually I see someone who's at the jail quite often
4 right before trial, so that would have -- but as far as the
5 number of times, again, each one of those visits would
6 have been recorded in my notes and I don't have those
7 notes anymore, so I can't tell you how many times I've
8 been to see him.

9 Q. And, again, just approximating, would it -- would it
10 have been roughly two to three times or more than that?

11 A. Oh, more than that.

12 Q. And substantially more than that or maybe just three
13 or four times?

14 A. Oh, probably substantially more because it was an
15 entire year, so I would have updated him every time there
16 would have been a plea offer in the case, every time we had
17 any kind of negotiations that I needed to have him make a
18 decision on, as well as simply just updates. And obviously
19 when it was determined that we were definitely going to go
20 to trial, I would have seen him several times in order to
21 gather all of the information that he could possibly give
22 me to help his case.

23 Q. And did you go over discovery in this case?

24 A. I beg your pardon?

25 Q. Is it -- was it your general practice when you were

1 practicing criminal law to go over discovery with
2 defendants?

3 A. Yes, absolutely.

4 Q. And do you remember doing that in this case?

5 A. I don't remember an actual time where I sat down
6 with him and went over page by page, but I know I would
7 have at least given him the opportunity to see all of the
8 discovery that I had.

9 Q. And do you remember if you ever coerced him or
10 pressured him into pleading guilty?

11 A. No. Every time there's a plea offer, and as you
12 might be aware it's actually a duty of the public defenders
13 and one that I took very, very seriously as a public
14 defender, to relay all plea offers which certainly he was
15 free to accept or -- or to decline, which Mr. Golston did
16 decline in this case. I don't even remember how many
17 times there would have been a plea offer, but there usually
18 is in -- in cases like this and I would have referred that
19 information, the consequences of a guilty plea, to him
20 and made sure that he -- whatever he decided was made
21 knowingly and intelligently.

22 Q. Turning to the actual trial and immediately before it,
23 do you remember any incident report by any deputy being
24 altered or any allegation of any incident report by any
25 deputy being altered?

1 A. I don't remember. I don't have any recollection.

2 Q. Do you remember the victim, anything about the victim
3 as far as --

4 A. In what way?

5 Q. Do you remember the extent of the victim's injuries?

6 A. I remember the -- seeing the photographs, which had
7 her -- very, very pronounced swelling in and around her
8 face, it was very, very puffy, and that was obviously a
9 concern.

10 Q. Now did you elicit -- do you remember if there was
11 testimony at trial elicited concerning the extent of her
12 injuries?

13 A. Yes, I believe there was.

14 Q. Now have you had a chance to review the medical
15 records?

16 A. Yes, I looked at them in preparation for this hearing.

17 Q. Did you have them in your file before?

18 A. I think I did. I cannot say for sure, but in looking
19 at them they did seem -- I did -- they did jog my memory,
20 so I believe I did have them at some point.

21 Q. Do you remember the emergency room nurse testifying
22 or have you reviewed that portion of the transcript?

23 A. Yes, I have.

24 Q. Was there any reason for you to object to that
25 testimony?

1 A. I don't think I would have successfully -- it would
2 have been a successful objection, so I don't think I did.
3 I can't think at this point if there would be any reason
4 for me to have -- to have done so.

5 Q. And do you remember elicit -- do you remember
6 examining her on cross-examination and questioning her?

7 A. I reviewed the transcript, so that's -- that's my
8 recollection, whatever it is on the transcript.

9 **MR. SCHMECKPEPER:** I beg the Court's indulgence.

10 BY MR. SCHMECKPEPER:

11 Q. If you would direct your attention to page 320 in the
12 transcript.

13 **THE COURT:** What page?

14 **MR. SCHMECKPEPER:** 320, Your Honor.

15 BY MR. SCHMECKPEPER:

16 Q. Now do you remember confirming with the nurse that
17 concerning the victim's injuries there were no fractures,
18 no broken bones, it was just swollen tissue?

19 A. That's right.

20 Q. And was that -- was that beneficial to -- in terms of
21 mitigating Mr. Golston's position?

22 A. Oh, absolutely.

23 Q. Did you have a copy of the booking photo in this case?

24 A. I think I did have a copy of his photo, yes.

25 Q. And was it a color photo or was it the -- just the

1 booking charge?

2 A. It was a black and white booking photo, if I'm not
3 mistaken.

4 **MR. SCHMECKPEPER:** May I approach?

5 **THE COURT:** Yes, sir.

6 **MR. SCHMECKPEPER:** Your Honor, I'm handing him
7 State's Exhibit Number 26 for identification purposes from
8 the trial.

9 BY MR. SCHMECKPEPER:

10 Q. Do you recognize that?

11 A. Yes, I do.

12 Q. If I could just direct your attention to the bottom
13 of that. Does it say anything about scars or injuries on
14 that page or on that sheet?

15 A. Well, there's a -- listed under scars, marks and
16 tattoos in the description and it says none.

17 Q. Okay.

18 **MR. SCHMECKPEPER:** Your Honor, at this time I'd like
19 to submit Defense Exhibit 1 from -- it's actually already
20 in the record, Your Honor. I'd like to submit this into
21 evidence.

22 **THE COURT:** Any objection?

23 **MS. GOLDBERG:** No objection.

24 (Defendant's Exhibit Number 1, a black & white booking
25 photograph, was marked for identification and admitted into

1 evidence.)

2 BY MR. SCHMECKPEPER:

3 Q. Now, Mr. Buchanan, one of the allegations in this
4 case is that you failed to -- to sufficiently argue that
5 Mr. Golston was not living with the victim. Is that
6 accurate?

7 A. I thought I made that -- that a really key part of the
8 case. Obviously, the jury didn't agree because they did
9 find him guilty, but that was something -- I remember going
10 out to the incident location with one of my investigators,
11 we spoke with his family members. I believe we called
12 several of his family members as witnesses to establish
13 that he did not cohabituate with the victim, so I -- I know
14 that was a big part of my case.

15 Q. But you -- so you did argue to the judge and to the
16 jury that the victim and the Defendant did not cohabituate?

17 A. Absolutely.

18 Q. Just a couple more questions, Mr. Buchanan. Do you
19 remember the issue with Judge McMahon asking whether or not
20 there had been, I think, diametrically opposed testimony?

21 A. Vaguely. I -- I didn't get that far in the transcript
22 to review that -- that bit of argument. I know that there
23 was some of our witnesses that said something that was
24 completely different and opposite to what some of the
25 State's witnesses were and I know the judge did seem to

1 have an issue with that and I think he instructed -- or
2 wanted to have law enforcement investigate to see if
3 someone was perjuring themselves.

4 Q. But that was -- both of those sets of testimony was
5 before the jury; is that correct?

6 A. I believe so, yeah.

7 Q. Was there any basis for you to move for a mistrial at
8 that point?

9 A. I -- it did not occur to me to move for a mistrial.

10 **MR. SCHMECKPEPER:** I beg the Court's indulgence. I
11 have no further questions. Thank you, Mr. Buchanan.

12 **THE WITNESS:** Thank you.

13 **THE COURT:** Cross-examination?

14 **MS. GOLDBERG:** Yes. Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. GOLDBERG:

17 Q. Mr. Buchanan, a major part of your defence was a
18 self-defense argument; is that right?

19 A. That's right.

20 Q. All right. You've got the transcript there in front
21 of you?

22 A. I do.

23 Q. If you would just briefly look at pages 299 to 302,
24 that might make this move a little smoother.

25 A. Okay.

1 Q. All right. Now, in general, not specifically
2 referring to those pages, but in general Mr. Golston
3 testified in his own defense, correct?

4 A. He did, yes.

5 Q. Do you remember him testifying that the victim jumped
6 on him and clawed him in the face and that's what started
7 the confrontation?

8 A. I do remember him saying that -- or demonstrating
9 that.

10 Q. Okay. And his testimony at trial was that the victim
11 did this to him unprovoked?

12 A. Okay.

13 Q. Would you agree with that or --

14 A. I -- I believe -- I think that's right. Like I said,
15 I didn't get all the way through the -- the entire
16 transcript, but I think that -- that sounds right.

17 Q. Okay. That's fair. Now in trying to disprove
18 Mr. Golston's testimony that he was clawed in the face,
19 the State attempted to offer this -- what is now
20 Defendant's Exhibit 1 in this hearing, but the State's
21 Exhibit for ID 26. That's what's talked about on those
22 pages I referenced, and I'll hand you this exhibit back.
23 Do you recall the State bringing that up?

24 A. Not very well. I think it's starting to ring a bell.
25 I -- I remember there was an issue about the -- the booking

1 ID photo.

2 Q. Okay. And then on those pages it's clear that you
3 objected to the booking photo and, therefore, it was only
4 marked for identification purposes, it was not evidence for
5 the jury to see; is that accurate?

6 A. Okay. All right. So it was marked as -- it was
7 marked for identification purposes, yes. I see that,
8 right.

9 Q. However, during the course of the State trying to
10 offer the exhibit, the jury was -- heard the Defendant
11 state that that particular booking photo did not show
12 any injury to his face. He was asked that question
13 specifically and indicated that photo doesn't show any
14 injuries, correct? And this is on page 301.

15 A. 301. Okay. So you're -- what is your question?

16 Q. The jury was aware that that particular booking photo
17 didn't show any injuries to his face?

18 A. Okay.

19 Q. Correct?

20 A. If they -- if they picked up on that, then, yes, they
21 would have been.

22 Q. Okay. Did you ever have a copy of the color booking
23 photo?

24 A. I don't remember ever having a color copy.

25 Q. Do you remember if you ever asked for one or requested

1 one?

2 A. It would have made sense for us to have checked to
3 see if there was one. My -- my memory is so fuzzy on this.
4 This has been a long time ago. I think we looked to see if
5 the jail did have a color copy and I don't believe we were
6 ever able to find one.

7 Q. Okay.

8 **MS. GOLDBERG:** May I approach, Your Honor? I'm gonna
9 show that.

10 BY MS. GOLDBERG:

11 Q. Mr. Buchanan, I'm handing you Applicant's Exhibit
12 Number 3, which is a color copy of that booking photo.
13 Does this photo actually show scratches or markings to his
14 face or appear to?

15 A. Well, there are some things -- some kind of
16 discolorations right on his cheeks below his eyes.

17 Q. Do you think admission of that photo into evidence may
18 have assisted his testimony at trial?

19 A. It's speculation, but probably -- I definitely could
20 have argued that that would have shown that his story was
21 -- was true.

22 Q. Corroborated his self-defense argument?

23 A. Corroborated, yes.

24 Q. Moving on to the next issue, another major argument
25 presented at trial was that the injuries the victim had

1 weren't sufficient to rise to the level of high and
2 aggravated nature or that would be needed for high and
3 aggravated nature. That was actually what was appealed.
4 Why didn't you object or request a directed verdict when
5 no medical records were offered by the State?

6 A. I can't recall if there was a reason.

7 Q. You testified that you believed that you may have had
8 those medical records in advance of trial. Do you remember
9 why you wouldn't have offered them as evidence yourself?

10 A. I don't remember.

11 Q. In reviewing those medical records now as you have in
12 preparation for this hearing, do you think it would have
13 made any difference in his trial?

14 **THE COURT:** Do you need to see the records? Have you
15 seen them?

16 **THE WITNESS:** I -- I did see them, yes.

17 **THE COURT:** I'm sorry.

18 **MS. GOLDBERG:** And no, thank you, Your Honor.

19 BY MS. GOLDBERG:

20 Q. And answer however you have to.

21 A. All right. This is -- obviously knowing what I know
22 in hindsight, definitely trying something else would --
23 might have worked more. I don't know. I -- I cannot
24 think of any particular reason why I -- I declined to,
25 although the only thing that I do remember seeing in those

1 records was the -- was the constant reference of her being
2 -- Ms. Johnson, right? -- yes, Ms. Johnson's statements
3 that were recorded in those medical documents outlining the
4 assaults, that might have been a reason to keep them out.
5 But, again, that's -- that's coming from me in 2015 looking
6 at those records and thinking back how I would do it now.

7 Q. You heard Mr. Golston's testimony that he believes
8 the incident report -- the allegation's somewhat unclear
9 in the application, but his testimony today was basically
10 that the incident report differs from the testimony that
11 was offered at trial. Do you believe there was anything
12 else you could have done about that, any further
13 cross-examination or do you believe that was addressed?

14 A. Either -- that was addressed. Usually, in my
15 experience, it's -- the information that's testified to at
16 trial certainly carries a lot more weight to the jury.

17 Q. Is there anything else you could have done regarding
18 the cohabitation issue?

19 A. I don't -- I really don't know. I mean, I -- I tried
20 to set that up in the opening, I focussed on it during the
21 trial. I -- I'm pretty sure there was some closing -- I
22 addressed that at closing. I -- I don't know what else I
23 could have done.

24 Q. Do you remember addressing the fact that the victim
25 lived out of state for a long period of time?

1 A. I don't remember that.

2 Q. The transcript speaks for itself?

3 A. Right.

4 Q. I think everything else has already been addressed.

5 MS. GOLDBERG: No further questions.

6 MR. SCHMECKPEPER: Briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. SCHMECKPEPER:

9 Q. Mr. Buchanan, looking at the medical records, and
10 with the testimony at trial in mind, is there anything in
11 the medical records concerning the victim's injuries that's
12 substantially different than anything presented at trial?

13 A. I don't believe so. I believe the -- they're --
14 obviously if the -- if there was testimony that -- that she
15 did have breaks or broken bones or -- or things like that
16 besides just the swelling, I think that would have been --
17 we would have jumped on that.

18 Q. And do you remember any of that testimony coming in
19 about she had a broken face -- she had broken bones or
20 anything besides swelling?

21 A. No, that was -- that was it. It was all swelling.

22 Q. I think -- turning your attention to those medical
23 records, do you see the date on those medical records?

24 A. Actually, I don't have a copy of the medical records
25 in front of me.

1 **THE COURT:** (Handing.)

2 **THE WITNESS:** Thank you, Your Honor.

3 **THE COURT:** For the record, that's exhibit what? Is
4 it 1?

5 **THE WITNESS:** Applicant's 1.

6 **THE COURT:** Thank you.

7 BY MR. SCHMECKPEPER:

8 Q. Could you tell me the date of the medical records?

9 A. This is -- across the top, the date, 3-22-2008.

10 Q. And I think if you look through the rest of those --
11 briefly, do you see any other dates? Is it -- do the
12 medical records reflect that they were taken at any later
13 date?

14 A. Oh, wait a minute. This says print date time
15 5-28-2015.

16 Q. But as far as the actual date of the examinations.

17 A. All right. Let me see. Recorded date, 3-22-2008;
18 recorded date, 3-22-2008. I'm just like flipping several
19 pages.

20 Q. It's fair to say that those records all appear to come
21 from the same date; is that correct?

22 A. I think so. It says -- on page 7, it says service
23 date time 3-22-2008, ED documentation. Triage date and
24 time, 3-22-2008 on page 9. There's an ED discharge summary
25 on page 17, check-in, 3-22-2008. All right.

1 Q. So nothing later?

2 A. I -- I haven't come across anything yet. I'm getting
3 closer to the back now. It's all showing as March 22,
4 2008.

5 Q. And from -- from reviewing those records, do you
6 remember if they were -- if there was any recommendation
7 for follow-up?

8 A. I think there was and this might have been because I
9 reviewed these records recently. I think they wanted to
10 follow up with a CT scan, I think, or was there something
11 else with checking on --

12 Q. Was there anything about her eyes maybe?

13 A. Eyes, yes. Because her -- her eyes were swollen shut
14 at the time, they couldn't check her eyes because of the
15 swelling, so they referred her to someone for an eye
16 checkup later on.

17 Q. But do you have any records in that packet that was
18 presented from those later follow-up appointments?

19 A. I don't believe they are in this packet. I could be
20 wrong. If I could --

21 **MR. SCHMECKPEPER:** I beg the Court's indulgence. I
22 have no further questions. Thank you, Mr. Buchanan.

23 **THE COURT:** Anything further?

24 **MS. GOLDBERG:** No, Your Honor.

25 **THE COURT:** Sir, you may step down. Thank you.

1 (Witness excused.)

2 **THE COURT:** Anything further from the State?

3 **MR. SCHMECKPEPER:** Nothing further, Your Honor.

4 **THE COURT:** Anything by way of argument, Ms. Goldberg?

5 **MS. GOLDBERG:** Yes, Your Honor. Just briefly, two --

6 I guess two brief points I want to make. Understanding
7 that the Attorney General requested a directed verdict,
8 which was already denied, even at this stage I would just
9 state that -- just to give the Court a little bit more
10 background information, Mr. Golston did after conviction
11 file an appeal. The appeal did specifically address
12 whether or not there was sufficient evidence for a CDV
13 hand versus only a CDV and the court found that there was
14 evidence of both.

15 The argument that's being presented here today, of
16 course, is that Mr. Golston believes that the medical
17 records should have been the best evidence and they would
18 have affected his trial. I would just simply in response
19 to the Attorney General's previous argument state that the
20 Court of Appeals didn't have those medical records either,
21 so any decision that they made would have also been without
22 privy to the medical records. Now if Your Honor believes
23 that they would have made difference, that's the question
24 for today. The Court of Appeals' decision on this issue
25 would not be binding, I suppose, on this issue.

1 The other issue that I really just want to bring
2 attention to is the booking photo. Mr. Buchanan basically
3 -- while he doesn't have the privilege of having his notes
4 with him seems to acknowledge that he remembered it being
5 a relevant issue, remembered requesting it. It appears
6 possibly he didn't follow through and never received it.
7 We would submit that the booking photo -- the color
8 booking photo does show some -- what could be construed
9 as evidence of physical injury, which would have
10 corroborated Mr. Golston's trial and could have affected
11 the outcome and the jury's consideration of his
12 self-defense argument. So Mr. Buchanan not following
13 through with getting that and not offering it as evidence
14 in the trial, in addition with Mr. Golston's testimony,
15 would be ineffective, may have changed the outcome at
16 trial.

17 As for the other allegations, I'll let the testimony
18 that's been offered stand for itself.

19 **THE COURT:** Let me ask you this, Ms. Goldberg.

20 **MS. GOLDBERG:** Yes, sir.

21 **THE COURT:** The allegation about the deputy altering
22 his incident report, what do you say about that?

23 **MS. GOLDBERG:** The way -- the way that it was
24 presented today by Mr. Golston, that it finally was able
25 to come out today, was essentially that he believed the

1 incident report differed from the testimony that was
2 offered and that his attorney should have addressed that
3 in some way. He wasn't able to provide anything too much
4 more specific than that.

5 **THE COURT:** Do you have anything else you want to add
6 on?

7 **MS. GOLDBERG:** I don't, Your Honor, and -- and my
8 reading of the -- Mr. Golston stated that the incident
9 report said the deputy observed injuries to her back, arms
10 and shoulders caused by being hit with a piece wood and a
11 hatchet. That's the way he described the incident report
12 as reflecting. My reading of the transcript is that,
13 Ms. Johnson, the victim, stated that she was hit with
14 Mr. Golston's hands, she was touched with the hatchet.
15 There's no particular citation I can give you in the record
16 where she says no, I was not hit with the hatchet; no, I
17 was not hit with the wood, but she does not mention the
18 wood and -- and she does say she was only touched with the
19 hatchet. So beyond that, I can't provide the Court with
20 any citations because it was more of a lack of testimony
21 on the victim's part than a direct opposite testimony, if
22 that makes any sense.

23 **THE COURT:** Yeah. Okay. Mr. Schmeckpeper?

24 **MR. SCHMECKPEPER:** Thank you, Your Honor. May it
25 please the Court? Concerning the issue of medical records,

1 I do have the Court of Appeals decision in my hand that I
2 can hand up, if you'd like.

3 **THE COURT:** I don't need it.

4 **MR. SCHMECKPEPER:** It's pretty much saying there's no
5 evidence presented that these injuries could have possibly
6 supported a CDV charge. The testimony here, and I think
7 the credible testimony here, was that the medical records
8 did not differ significantly or, you know, were not in
9 opposition to any of the testimony presented at trial. I
10 would say that, you know, that means that the Court of
11 Appeals' decision on the matter kind of controlled the
12 outcome here.

13 Concerning the booking photo, Your Honor, I've looked
14 at the booking photo. I'm not a doctor. I can't tell you
15 exactly what the photo shows. There's been no -- there's
16 been no testimony from an expert or anybody to say --
17 anybody who I think is qualified to say that's definitely
18 fingernail scratches. It's a blurry photo, which is
19 unfortunate. I mean, if it were clearer, maybe it would
20 show more, but it's still the Applicant's burden to show
21 deficiency and prejudice, so I would submit that that photo
22 coupled with the booking report which said no scars and
23 doesn't have any indication of injuries kind of precludes
24 a finding of deficient performance or prejudice here.

25 Concerning the deputy altering his incident report,

1 again, there's nothing in the record that's been presented
2 today saying that she ever said he didn't hit me with wood.
3 I can't speak too much on this issue mainly because, you
4 know, I came unprepared to argue the incident report
5 alteration, so if Your Honor would like, I would love to
6 brief this issue because I wasn't fully prepared to
7 argue it. But, otherwise, I would -- I would just kind of
8 rest on Strickland's standard deficiency and prejudice.
9 You know, counsel testified I think credibly that he tried
10 to get this booking report, he tried to get the color
11 report. I think the fact that it wasn't turned over to him
12 or he never -- he wasn't able to get it isn't necessarily
13 his fault and that would preclude a finding of deficient
14 performance here.

15 And as far as prejudice goes, Your Honor, he -- he
16 -- the Applicant got his self-defense charge here. It
17 wasn't an issue of whether -- any evidence of self-defense,
18 he got a self-defense charge, so I would argue that the
19 next question, you know, after -- assuming there was
20 deficient performance, which, again, we don't agree with,
21 the next question is whether there was prejudice. That
22 blurry photo I don't think provides sufficient prejudice
23 here, Judge, to find for the Applicant. Thank you, Your
24 Honor.

25 **THE COURT:** All right. Bear with me just a moment

1 here. All right. In a post-conviction relief action,
2 Applicant must show that counsel's performance was
3 deficient. To show counsel was deficient, the Applicant
4 must establish counsel failed to render reasonably
5 effective assistance under the prevailing professional
6 norms. This Court finds that the Defendant has failed to
7 show that counsel's performance was deficient and that it
8 fell below prevailing professional norms.

9 Furthermore, Defendant is required to show and --
10 in addition to deficient performance, Defendant or
11 Applicant must show the performance prejudiced the
12 Defendant. To show prejudice, the Applicant must show
13 that but for counsel's errors there is a reasonable
14 probability the result of the trial would have been
15 different. A reasonable probability is a probability
16 sufficient to undermine confidence in the outcome of the
17 trial. Even assuming -- even assuming that the Applicant
18 met the first prong of such a test, the Defendant has
19 failed to prove that there is a reasonable probability
20 that the outcome of the trial would have been different.
21 In other words, he has failed to show a reasonable
22 probability sufficient to undermine the confidence in the
23 outcome of the trial.

24 The Court has reviewed the medical records which were
25 attached as -- or entered as Applicant's Exhibit Number 1.

1 A review of those records in this Court's opinion do not
2 benefit the Applicant, but simply corroborate the testimony
3 presented in the course of the trial. More specifically,
4 the Court would note page 13 of 35 of those medical records
5 which specifically address the victim's history of present
6 illness. Furthermore, the medical records corroborates
7 the fact that there were no fractures to the victim in any
8 portion of her body that I recall or saw in those medical
9 records. Furthermore, there was no evidence presented --
10 Ms. Goldberg, what was the ER nurse's name?

11 **MS. GOLDBERG:** It was -- I have it right here.
12 Jennifer --

13 **THE COURT:** Watson.

14 **MS. GOLDBERG:** -- Ms. Jennifer Watson on pages 227 to
15 235.

16 **THE COURT:** So based upon the Court's review of
17 Ms. Watson's testimony, her testimony was that concerning
18 observations, tests that were run on the victim, as well
19 as the results of such tests. There was no testimony
20 concerning any proximate cause as to injuries or causation
21 of such injuries.

22 The booking photograph -- as it relates to Allegation
23 C, whether the booking photograph, which has been admitted
24 into evidence as Applicant's Number 3, appears to have
25 some facial lacerations of the Defendant or Applicant, the

1 Court does not believe that the failure to obtain such
2 creates a reasonable probability even if such performance
3 was deficient in failing to obtain such photograph. The
4 Court does not believe that that creates a reasonable
5 probability to undermine the confidence in the outcome of
6 the trial. The attorney for the Defendant during the
7 course of the trial sought and received a charge of
8 self-defense, which the Defendant or Applicant alleged
9 at the time of trial.

10 With regards to issues pertaining to the deputy
11 altering the incident report, I've heard from defense
12 counsel in her -- Applicant's counsel in her argument
13 concerning this issue. It appears to the Court that
14 it's simply an allegation, an allegation without more;
15 therefore, the Court does not believe Defendant has shown
16 any evidence concerning this issue.

17 With regards to Allegation E, there was testimony
18 on page 121 of the trial transcript of the fact from the
19 victim that the victim and the Defendant lived together
20 periodically wherein the Defendant or Applicant stayed with
21 her sometimes all week, sometimes two or three days a week
22 creating a factual issue for the jury.

23 Furthermore, under subparagraph -- or Allegation F,
24 the Court believes that such allegation in the amended
25 post-conviction relief -- second amended post-conviction

1 relief is a conclusory statement, and maybe I misread the
2 transcript, but Applicant alleges that the court determined
3 that the State's witnesses may have committed perjury. I
4 think at that point it was simply an investigation part on
5 behalf of the court. The court certainly had a concern
6 about it and asked, I believe, the court reporter to go
7 back and look into that matter. Ms. Goldberg, am I
8 incorrectly stating that?

9 **MS. GOLDBERG:** You are correctly stating that.

10 **THE COURT:** Okay. But there was no conclusion as
11 to witnesses perjuring themselves and even if such had
12 occurred it was an issue of credibility before the jury.

13 Based upon all of what I have said, this Court does
14 not believe that the Applicant is entitled to the relief
15 he seeks. Thank you.

16 **MS. GOLDBERG:** Thank you, Your Honor.

17 **MR. SCHMECKPEPER:** Thank you, Your Honor.

18 **THE COURT:** Get me an order on that, please.

19 **MR. SCHMECKPEPER:** Yes, Your Honor.

20 (Proceedings were concluded at 12:55 PM.)
21
22
23
24
25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned case in Circuit Court on the 9th day of December, 2015.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

I do further certify that I am neither of kin, counsel, nor have an interest to any party hereto.

April 29, 2016

Stacy S. Johnson
Stacy S. Johnson, RPR
Circuit Court Reporter

PALMETTO **H** **H**
RICHLAND

EMERGENCY DEPARTMENT RECORD		PATIENT NO.	
PALMETTO HEALTH RICHLAND	DATE: 03/22/2008 TIME: 11:14	BIRTH DATE: 11/08/1938 AGE: 69Y	MOTHER'S MAIDEN NAME: JACKNIGHT
UNIT RECORD: 005913710	SOCIAL SECURITY NUMBER:	SEX: F	RACE: 81
NAME, ADDRESS: JOHNSON, MYRTLE FRANCIS	SC	FINANCIAL DATA: Medicare	ACCIDENT DATE AND TIME:
RESPONSIBLE PARTY: JOHNSON, MYRTLE FRANCIS	RELATIONSHIP: Self	ADMITTING PHYSICIAN: 999 EMS, EMS	
CHIEF COMPLAINT: ASSAULT	DATE OF LAST VISIT: 02/01/2002	LAST TETANUS:	TIME TO TREATMENT:
VITAL SIGNS: 97.4 - 74 - 116	BLOOD PRESS: 104/96	PULSE: 101	WEIGHT:
HISTORY: assault ~ 12 am per p-line / find @ home thru AM by find by boyfriend wood log	PHYSICAL: Jd - 1 pm SH: OT/E	REST OF ROS:	
CLINICAL IMPRESSION: ① Facial contusions / swelling ② s/p assault ③ p neck hematoma	TREATMENT: FNT, antibiotics, pain cr, 1 L N/S, morphine 2.5mg SC	DISPOSITION/SPECIAL PATIENT INSTRUCTIONS: D/L Rx Vicodin 10/325 2 tabs q4h PRN	
CONDITION OF DISCHARGE: SAME	ADMIT ROOM:	TIME SEEN BY MD: 5:00 PM	MEETS PRUDENT LAYPERSON: YES
EXPLAIN: 7004100111	PRESENT AND REVIEWED WITH RESIDENT: [Signature]	RESIDENT SIGNATURE: [Signature]	ATTENDING SIGNATURE: [Signature]

Name: MYRTLE JOHNSON MRN: R005913710

I, MYRTLE JOHNSON, have received the Physician's Discharge Summary, my patient education materials, and have verbalized understanding:

X OT [Signature]

Patient Signature

Date

Provider Signature

Date

MRN: R005913710

FIN: R0808200180

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Nursing Documentation

DOCUMENT NAME: Triage PHED
SERVICE DATE/TIME: 3/22/2008 11:49 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Watson RN, Jennifer D (3/22/2008 11:49 EDT)
ELECTRONICALLY SIGNED BY: Watson RN, Jennifer D (3/22/2008 11:49 EDT)

Triage PHED

Performed On: 3/22/2008 11:49 by Watson RN, Jennifer D
Entered On: 3/22/2008 11:53

Chief Complaint PHED

Mode of Arrival: EMS, Self, Stretcher
ED Chief Complaint: Facial Pain or Swelling
Chief Complaint: "My boyfriend beat me up"
Accompanied By: Self
Information Obtained from: Patient
Temperature: 97.4DegF
Temperature Route: Oral
Pulse Rate: 74
Respiratory Rate: 16
NIBP Systolic: 107mmHg
NIBP Diastolic: 96mmHg
NIBP Mean Calculated: 100mmHg
Pulse Ox Sat: 100%
ED RTS Screen: Open Screen
ED Orthostatic Vital Signs: Open Screen
Complex Neuro Form: Yes
ED Pain Screen: Yes
Chronic Conditions: Hypertension
ED Surgical History: Hysterectomy
Implantable Devices: None
Communicable Disease Exposure: None
Abuses: Alcohol
Last Tetanus Date: Unknown
Immunization Up To Date: Yes
Influenza Vaccination Up to Date: No
Pneumococcal Vaccination Up to Date: No
Home Meds Listed: Open
Allergies Screen: Open
Latex Allergy Screen: Open

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Nursing Documentation

DCP GENERIC CODE

Acuity: 3

ED Triage Nurse: Watson RN, Jennifer D
Triage Date/Time: 3/22/2008 11:49

Watson RN, Jennifer D - 3/22/2008 11:49

Watson RN, Jennifer D - 3/22/2008 11:49

Watson RN, Jennifer D - 3/22/2008 11:49

Home Medications

Home Medication Information: Home Medication Information Incomplete

Watson RN, Jennifer D - 3/22/2008 11:49

Historical Medications

enalapril-hydrochlorothiazide: 10 mg-25 mg oral tablet (Ordered)
temazepam (Ordered)

Oxygen Modality-ED

Oxygen Modality: Room Air

Watson RN, Jennifer D - 3/22/2008 11:49

Pain Management PHED

Current Pain Score: 8

Watson RN, Jennifer D - 3/22/2008 11:49

Revised Trauma Score-ED

Adult Trauma BP Systolic: >89 mmHg
Adult Trauma Respiratory Rate: 10-29 br/min
Adult Trauma GCS Points: 13 to 15
Trauma Activation: No
Adult Trauma Score: 12

Watson RN, Jennifer D - 3/22/2008 11:49

Neuro Triage PHED

Eye Opening Response: Spontaneous
Motor Response: Obeys commands appropriately
Verbal Response: Oriented and converses
Glasgow Coma Score: 15
Stimulation Required: Voice

Watson RN, Jennifer D - 3/22/2008 11:49

Latex Screen

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: 8000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Nursing Documentation

Diagnosed as Latex Allergic: No
Problem/Allergic Rxn to Rubber: No
Medical Cond. Requiring Many Surgeries: No
History of Spina Bifida: No
Allergic Rxn during Procedure: No

Watson RN, Jennifer D - 3/22/2008 11:49

Allergies

Allergy Information: Allergy Information Complete

Watson RN, Jennifer D - 3/22/2008 11:49

Allergy: NKA

Nursing Direct Charting

Vital Signs

Procedure	Units	Reference Range	Recorded Time Recorded By Recorded Date	18:23 EDT Watson RN, Jennifer D 3/22/2008	15:44 EDT Watson RN, Jennifer D 3/22/2008	15:42 EDT Watson RN, Jennifer D 3/22/2008
Pulse Rate		[60-100]		108#	68	81
Respiratory Rate				22	18	18
Pulse Ox Sat	%			100	99	99
Oxygen Modality				Room Air	Room Air	Room Air
NIBP Systolic	mmHg			101	127	102
NIBP Diastolic	mmHg			63	88	75
NIBP Mean Calculated	mmHg			76	101	84

Procedure	Units	Reference Range	Recorded Time Recorded By Recorded Date	13:50 EDT Watson RN, Jennifer D 3/22/2008	11:49 EDT Watson RN, Jennifer D 3/22/2008
Temperature	DegF	[80.0-115.0]		-	97.4
Pulse Rate		[60-100]		67	74
Respiratory Rate				18	16
Pulse Ox Sat	%			99	100
Oxygen Modality				Room Air	Room Air
Adult Trauma BP Systolic				-	>89 mmHg
Adult Trauma Respiratory Rate				-	10-29 br/min
NIBP Systolic	mmHg			123	107
NIBP Diastolic	mmHg			85	96
NIBP Mean Calculated	mmHg			98	100
Temperature Route				-	Oral

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I.

Pt. Age: 76 years

Admitting Physician: Raymond MD, James I.

Date of Birth:

CMRN: 000215649

Nursing Direct Charting

Neuro

		Recorded Time:	11:49 EDT
		Recorded By:	Watson RN, Jennifer D
		Recorded Date:	3/22/2008
Procedure	Units	Reference Range	
Orientation-LOC			See Below ¹¹
Symmetry of Face			See Below ¹²
Swallowing Difficulty			None
Verbal Communication			Other: edema to cheeks and lips
Neurological Documentation			Neuro Documentation
Adult Trauma GCS Points			13 to 15
Eye Opening Response			Spontaneous
Motor Response			Obeys commands appropriately
Verbal Response:			Oriented and converses
Glasgow Coma Score			15
Stimulation Required			Voice

Textual Results

T1: 3/22/2008 11:49 EDT (Orientation-LOC)
Alert, Oriented x 3, Follows commands
T2: 3/22/2008 11:49 EDT (Symmetry of Face)
Other: edema to eyes, nose and forehead

Behavioral

		Recorded Time:	11:49 EDT
		Recorded By:	Watson RN, Jennifer D
		Recorded Date:	3/22/2008
Procedure	Units	Reference Range	
Behavior Documentation			Behavior WNL

EENT View

		Recorded Time:	11:49 EDT
		Recorded By:	Watson RN, Jennifer D
		Recorded Date:	3/22/2008
Procedure	Units	Reference Range	
EENT Documentation			EENT System WNL

Respiratory

		Recorded Time:	11:49 EDT
		Recorded By:	Watson RN, Jennifer D
		Recorded Date:	3/22/2008
Procedure	Units	Reference Range	
All Lobes			Diminished, Clear
Respiratory Pattern			Regular, Unlabored
Chest Expansion			Equal Bilaterally
Respiratory Documentation			Respiratory Documentation

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Nursing Direct Charting

Cardiovascular

		Recorded Time	11:49 EDT
		Recorded By	Watson RN, Jennifer D
		Recorded Date	3/22/2008
Procedure	Units	Reference Range	
Patient is Monitored			Yes
Monitor Lead			Lead II
Rhythm Status			Normal Sinus
Jugular Vein Distention			JVD Absent
Capillary Refill			2 Seconds
Radial Pulse-Left			Weak-1+
Radial Pulse-Right			Weak-1+
Dorsalis Pedis Pulse-Left			Weak-1+
Dorsalis Pedis Pulse-Right			Weak-1+
Heart Sounds			S1S2
CV Edema Rating			0
Chest Discomfort			Absent
Cardiovascular Documentation			Cardiovascular Documentation

Gastrointestinal

		Recorded Time	11:49 EDT
		Recorded By	Watson RN, Jennifer D
		Recorded Date	3/22/2008
Procedure	Units	Reference Range	
All Quadrants			Active
GI Character			Soft, Nondistended
GI Signs and Symptoms			No Complaints
Gastrointestinal Documentation			Gastrointestinal Documentation

Renal-Urinary

		Recorded Time	11:49 EDT
		Recorded By	Watson RN, Jennifer D
		Recorded Date	3/22/2008
Procedure	Units	Reference Range	
Renal-Urinary Documentation			Renal/Urinary System WNL

Reproductive

		Recorded Time	11:49 EDT
		Recorded By	Watson RN, Jennifer D
		Recorded Date	3/22/2008
Procedure	Units	Reference Range	
Reproductive Documentation			Reproductive System WNL

Integumentary

		Recorded Time	11:49 EDT
		Recorded By	Watson RN, Jennifer D
		Recorded Date	3/22/2008
Procedure	Units	Reference Range	
Integumentary Comment			See Below ¹³

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I

Pt. Age: 76 years

Admitting Physician: Raymond MD, James I

Date of Birth:

CMRN: 000215649

Nursing Direct Charting

Integumentary

Recorded Time: 11:49 EDT
Recorded By: Watson RN, Jennifer D
Recorded Date: 3/22/2008

Procedure	Units	Reference Range
Integumentary Documentation		Integumentary Documentation

Textual Results

T3: 3/22/2008 11:49 EDT (Integumentary Comment)
large amount of facial edema; eyes swollen shut

Musculoskeletal System

Recorded Time: 11:49 EDT
Recorded By: Watson RN, Jennifer D
Recorded Date: 3/22/2008

Procedure	Units	Reference Range
Gait		See Below ^{T4}
Neurovascular Status		See Below ^{T5}
Musculoskeletal Documentation		Musculoskeletal Documentation

Textual Results

T4: 3/22/2008 11:49 EDT (Gait)
Unable To Assess, Other: cervical precautions maintained
T5: 3/22/2008 11:49 EDT (Neurovascular Status)
Neurovascular intact distal to injury, Pulses distal to injury palpable; Skin distal to injury warm and pink

Risk Precautions

Recorded Time: 11:49 EDT
Recorded By: Watson RN, Jennifer D
Recorded Date: 3/22/2008

Procedure	Units	Reference Range
Safety		See Below ^{T6}

Textual Results

T6: 3/22/2008 11:49 EDT (Safety)
Ambu, mask; suction at BS, Bed Low/Brakes Locked, Call device within reach, Fall Prevention Education, ID Band Checked, ID Band on, Instruct to Call, Phone within Reach, Pt/Family Able to Use, Siderails up x2

Patient Activity

Recorded Time: 18:23 EDT
Recorded By: Watson RN, Jennifer D
Recorded Date: 3/22/2008

Procedure	Units	Reference Range
Accompanied By		Self

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Direct Charting IVIEW

General Information

Recorded By	Recorded Date/Time	Procedure Units Reference Range	Mode of Arrival	Chief Complaint	ED Chief Complaint	Adult Trauma Score
Watson RN, Jennifer D	3/22/2008 11:49 EDT		EMS, Self, Stretcher	"My boyfriend beat me up"	Facial Pain or Swelling	12
Torres, Ivana J	3/22/2008 17:36 EDT		EMS, Self, Stretcher	-	Facial Pain or Swelling	-

Recorded By	Recorded Date/Time	Procedure Units Reference Range	Acuity	Information Obtained from
Watson RN, Jennifer D	3/22/2008 11:49 EDT		3	Patient

Pain Management

Pain

Recorded Date	Recorded By	Procedure Units Reference Range	ED Pain Screen	Current Pain Score	Medication Administered	Dose Administered
3/22/2008	Watson RN, Jennifer D		Yes	8		
3/22/2008	Watson RN, Jennifer D		-	-	normal saline	1 liter
3/22/2008	Watson RN, Jennifer D		-	-	morphine	2.5 mg

Recorded Date	Recorded By	Procedure Units Reference Range	ED Med Route	ED Patient Response to Medication
3/22/2008	Watson RN, Jennifer D		IV	See Below ^{T7}
3/22/2008	Watson RN, Jennifer D		IV	See Below ^{T8}

Textual Results

T7: 3/22/2008 15:44 EDT (ED Patient Response to Medication)
Tolerated, No Adverse Response Observed
T8: 3/22/2008 15:44 EDT (ED Patient Response to Medication)
Tolerated, No Adverse Response Observed

ED Documentation

DOCUMENT NAME: Triage PHED
SERVICE DATE/TIME: 3/22/2008 11:49 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Watson RN, Jennifer D (3/22/2008 11:49 EDT)
ELECTRONICALLY SIGNED BY: Watson RN, Jennifer D (3/22/2008 11:49 EDT)

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymono MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

ED Documentation

Triage PHED

Performed On: 3/22/2008 11:49 by Watson RN, Jennifer D

Entered On: 3/22/2008 11:53

Chief Complaint PHED

Mode of Arrival: EMS, Self, Stretcher

ED Chief Complaint: Facial Pain or Swelling

Chief Complaint: "My boyfriend beat me up"

Accompanied By: Self

Information Obtained from: Patient

Temperature: 97.4DegF

Temperature Route: Oral

Pulse Rate: 74

Respiratory Rate: 16

NIBP Systolic: 107mmHg

NIBP Diastolic: 96mmHg

NIBP Mean Calculated: 100mmHg

Pulse Ox Sat: 100%

ED RTS Screen: Open Screen

ED Orthostatic Vital Signs: Open Screen

Complex Neuro Form: Yes

ED Pain Screen: Yes

Chronic Conditions: Hypertension

ED Surgical History: Hysterectomy

Implantable Devices: None

Communicable Disease Exposure: None

Abuses: Alcohol

Last Tetanus Date: Unknown

Immunization Up To Date: Yes

Influenza Vaccination Up to Date: No

Pneumococcal Vaccination Up to Date: No

Home Meds Listed: Open

Allergies Screen: Open

Latex Allergy Screen: Open

Watson RN, Jennifer D - 3/22/2008 11:49

DCP GENERIC CODE

Acuity: 3

Watson RN, Jennifer D - 3/22/2008 11:49

ED Triage Nurse: Watson RN, Jennifer D

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

ED Documentation

Triage Date/Time: 3/22/2008 11:49

Watson RN, Jennifer D - 3/22/2008 11:49

Home Medications

Home Medication Information: Home Medication Information Incomplete

Watson RN, Jennifer D - 3/22/2008 11:49

Historical Medications

enalapril-hydrochlorothiazide 10 mg-25 mg oral tablet (Ordered)
temazepam (Ordered)

Oxygen Modality-ED

Oxygen Modality: Room Air

Watson RN, Jennifer D - 3/22/2008 11:49

Pain Management PHED

Current Pain Score: 8

Watson RN, Jennifer D - 3/22/2008 11:49

Revised Trauma Score-ED

Adult Trauma BP Systolic: >89 mmHg
Adult Trauma Respiratory Rate: 10-29 br/min
Adult Trauma GCS Points: 13 to 15
Trauma Activation: No
Adult Trauma Score: 12

Watson RN, Jennifer D - 3/22/2008 11:49

Neuro Triage PHED

Eye Opening Response: Spontaneous
Motor Response: Obeys commands appropriately
Verbal Response: Oriented and converses
Glasgow Coma Score: 15
Stimulation Required: Voice

Watson RN, Jennifer D - 3/22/2008 11:49

Latex Screen

Diagnosed as Latex Allergic: No
Problem/Allergic Rxn to Rubber: No
Medical Cond. Requiring Many Surgeries: No
History of Spina Bifida: No
Allergic Rxn during Procedure: No

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

ED Documentation

Watson RN, Jennifer D - 3/22/2008 11:49

Allergies

Allergy Information: Allergy Information Complete

Watson RN, Jennifer D - 3/22/2008 11:49

Allergy: NKA

DOCUMENT NAME:	Patient Activity PHED
SERVICE DATE/TIME:	3/22/2008 13:28 EDT
RESULT STATUS:	Auth (Verified)
PERFORM INFORMATION:	Watson RN, Jennifer D (3/22/2008 13:28 EDT)
ELECTRONICALLY SIGNED BY:	

Patient Activity PHED
03/22/08 01:28 pm Performed by Watson RN, Jennifer D
Entered on 03/22/08 01:28 pm

Patient Activity PHED

ED Patient Activity	Awake
ED Patient Location	To CT
ED Mode of Transport	Stretcher

DOCUMENT NAME:	Vital Signs PHED
SERVICE DATE/TIME:	3/22/2008 13:50 EDT
RESULT STATUS:	Auth (Verified)
PERFORM INFORMATION:	Watson RN, Jennifer D (3/22/2008 13:50 EDT)
ELECTRONICALLY SIGNED BY:	

Vital Signs PHED
03/22/08 01:50 pm Performed by Watson RN, Jennifer D
Entered on 03/22/08 03:43 pm

Vital Signs PHED

Pulse Rate	67
Respiratory Rate	18
NIBP Systolic	123 mmHg
NIBP Diastolic	85 mmHg
NIBP Mean Calculated	98 mmHg
Pulse Ox Sat	99 %
Oxygen Modality	Room Air

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC:

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

ED Documentation

DOCUMENT NAME: Patient Activity PHED
SERVICE DATE/TIME: 3/22/2008 15:00 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Watson RN, Jennifer D (3/22/2008 15:00 EDT)
ELECTRONICALLY SIGNED BY:

Patient Activity PHED
03/22/08 03:00 pm Performed by Watson RN, Jennifer D
Entered on 03/22/08 03:35 pm

Patient Activity PHED

ED Patient Activity: Awake
ED Patient Location: To CT
ED Mode of Transport: Stretcher

DOCUMENT NAME: Patient Activity PHED
SERVICE DATE/TIME: 3/22/2008 15:35 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Watson RN, Jennifer D (3/22/2008 15:35 EDT)
ELECTRONICALLY SIGNED BY:

Patient Activity PHED
03/22/08 03:35 pm Performed by Watson RN, Jennifer D
Entered on 03/22/08 03:35 pm

Patient Activity PHED

ED Patient Activity: Awake
ED Patient Location: Returned to Room
ED Mode of Transport: Stretcher

DOCUMENT NAME: Vital Signs PHED
SERVICE DATE/TIME: 3/22/2008 15:42 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Watson RN, Jennifer D (3/22/2008 15:42 EDT)
ELECTRONICALLY SIGNED BY:

Vital Signs PHED
03/22/08 03:42 pm Performed by Watson RN, Jennifer D
Entered on 03/22/08 03:43 pm

Vital Signs PHED

Pulse Rate: 81
Respiratory Rate: 18

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC: -

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

ED Documentation

NIBP Systolic: 102 mmHg
NIBP Diastolic: 75 mmHg
NIBP Mean Calculated: 84 mmHg
Pulse Ox Sat: 99 %
Oxygen Modality: Room Air

DOCUMENT NAME: Fluids-Medications PHED
SERVICE DATE/TIME: 3/22/2008 15:44 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Watson RN, Jennifer D (3/22/2008 15:44 EDT)
ELECTRONICALLY SIGNED BY:

Fluids-Medications PHED
03/22/08 03:44 pm Performed by Watson RN, Jennifer D
Entered on 03/22/08 03:45 pm

Fluid-Medications PHED

Fluid Med Administration Grid

1. Medication Administered: normal saline
Dose Administered: 1 liter
ED Med Route: IV
ED Patient Response to Medication: Tolerated, No Adverse Response
Observed
2. Medication Administered: morphine
Dose Administered: 2.5 mg
ED Med Route: IV
ED Patient Response to Medication: Tolerated, No Adverse Response
Observed

DOCUMENT NAME: Vital Signs PHED
SERVICE DATE/TIME: 3/22/2008 15:44 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Watson RN, Jennifer D (3/22/2008 15:44 EDT)
ELECTRONICALLY SIGNED BY:

Vital Signs PHED
03/22/08 03:44 pm Performed by Watson RN, Jennifer D
Entered on 03/22/08 03:44 pm

Vital Signs PHED

Pulse Rate: 68
Respiratory Rate: 18
NIBP Systolic: 127 mmHg
NIBP Diastolic: 88 mmHg

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F

MRN: B000775938; D0007
D810003053; R005
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

ED Documentation

NIBP Mean Calculated 101 mmHg
Pulse Ox Sat 99 %
Oxygen Modality Room Air

DOCUMENT NAME: Emergency Dept
SERVICE DATE/TIME: 3/22/2008 17:32 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Souder MD, Christopher A (3/22/2008 17:32 EDT)
ELECTRONICALLY SIGNED BY: Raymond MD, James I (3/29/2008 17:07 EDT)

Emergency Dept

DATE OF VISITATION: 03/22/2008

ACCOUNT NUMBER: 0808200180

Patient was seen under the direct supervision of attending, Dr. Raymond.

PRIMARY CARE PHYSICIAN: None listed.

MODE OF ARRIVAL: EMS.

CHIEF COMPLAINT: Assault.

HISTORY OF PRESENT ILLNESS: This is a 69-year-old female who was assaulted around 12 a.m. this morning per police report. She was found by family in her bed this morning and she gave the report that she was beat by her boyfriend last night with an ax. Police also report that they found a wooden log with some of her hair embedded in it as well. She reports she did not lose consciousness and remembers the entire assault. She does not remember she was struck in her torso, legs, or arms. She reports diffuse facial pain as well as headache that she does not describe further. No radiating of the pain other than to say it is severe.

REVIEW OF SYSTEMS: Negative for LOC, negative for numbness, tingling, weakness in the extremities. Negative for nausea, vomiting, abdominal pain, chest pain, shortness of breath. Negative for blurred vision when her eyes were open. Now that they are swollen, she cannot see unless they are physically opened for her. Negative for loss of teeth or dental trauma per report. Negative for difficulty swallowing or breathing. Rest of review of systems negative.

SOCIAL HISTORY: Occasionally uses tobacco and alcohol. Had 1 beer last night. Denies drug use.

PAST MEDICAL HISTORY: Hypertension and chronic aortic dilation.
MEDICATIONS: Reviewed.

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29213

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

ED Documentation

ALLERGIES: None.

IMMUNIZATIONS: Tetanus status updated 1 year ago.

PHYSICAL EXAMINATION:

VITAL SIGNS: Temp 98.8, pulse 74, respirations 16, blood pressure 107/96, pulse ox 100% on room air.

GENERAL APPEARANCE: The patient is awake, alert. She is in full spinal precautions.

HEENT: Pupils equal, round at 2 to 3 mm. Reactive. Her extraocular movements are fully intact. Both eyes show some traumatic ecchymosis with subconjunctival hemorrhage bilaterally. There is no proptosis. There is no lid laceration. There is general edema of lids with periorbital swelling. Nares are clear. Oropharynx is clear. Poor dentition, with multiple teeth missing chronically. None acute. No glossitis. She has diffuse upper and lower extremity lip swelling with some abrasion to the interior portion of her lips. No active bleeding. The midface is stable as is the jaw. There is no crepitance of the face, but there is diffuse swelling and tenderness. TMs are clear. Scalp shows diffuse hematoma, worse on the left than the right. There is no laceration appreciated.

NECK: No impression of midline tenderness or deformity. She does have some hematoma formation noted on the left posterior neck. No anterior neck swelling or tracheal deviation. There are some abrasions at the left side of the lateral portion of the neck as well.

LUNGS: Clear to auscultation bilaterally. No wheezes, rales, rhonchi, tachypnea, retractions, or stridor.

CARDIOVASCULAR: Regular rate and rhythm. No murmurs, rubs or gallops.

ABDOMEN: Soft, nontender, nondistended. No guarding.

MUSCULOSKELETAL: Moving all 4 extremities without difficulty.

SKIN: Warm, dry, without rash.

NEUROLOGICAL: Alert and oriented x4. Cranial nerves 2 through 12 are intact. No peripheral sensory or motor deficits.

MEDICAL DECISION MAKING: Patient shows extensive trauma to the head. Considering the amount of trauma, I am concerned that this may be significant enough to mask other injuries, considering the mechanism of injury, with the ax handle and the wooden log. Will obtain full CAT scans of head, face, C-spine, chest, abdomen, pelvis. Obtain basic labs and observe. As her eye exam is limited at this time, we will place erythromycin ointment and have her follow up with Ophthalmology as an outpatient or if she is inpatient, we will consult them presently.

LABORATORY: CT head showed no intracranial abnormalities. She had diffuse soft tissue swelling. CT C-spine negative for any bony abnormality. There was soft tissue swelling of the left posterior neck. CT of the face showed no fracture. CT of chest, abdomen, and pelvis was negative for any acute abnormality. All these reads per the radiologist.

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

PL Age: 76 years
Date of Birth:
CMRN: 000215649

ED Documentation

They did note on the CT of the chest that she has chronic dilation of the ascending aorta to 4.2 cm. Her blood work showed hemoglobin 15. BMP was within normal limits. Alcohol less than 10.

EMERGENCY DEPARTMENT COURSE: Upon arrival, patient immediately evaluated. Formulary studies were completed. She received morphine as well as IV fluids. Erythromycin ointment was placed. Later, soft tissue swelling of her eyes allowed for more full exam, which was previously dictated under physical exam section. At that point her son was with her and reported that he would take her home with him and take care of her. He wanted her to be discharged. Patient was in agreement with this. At that point, I felt with her son being able to take care of her, she was safe for discharge. I impressed upon them the importance to follow up with Ophthalmology on Monday or return to the Emergency Department if they could not get an appointment for a recheck of her eyes. They were in agreement with this.

CLINICAL IMPRESSION:

1. Facial contusion, swelling.
2. Status post assault.
3. Posterior neck hematoma.

DISPOSITION:

1. Discharge.
 2. Follow up with Ophthalmology on Monday for recheck of the eyes.
 3. Return to the Emergency Department if new or worsening symptoms.
 4. Prescription for Vicodin.
 5. Erythromycin ointment bilateral eyes.
- Reviewed and agree with above note.

Dictated by: Christopher A
Souder, MD

CAS:hs

D: 03/22/2008 5:07 P T: 03/22/2008 5:32 P
Job #: 000023678 T Job #: 666725 Doc #: 1173391
cc: Physcian EMS, MD
James I Raymond, MD

Electronically Signed & Verified on 03/29/2008 17:07
by Raymond MD, James I

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I

Pt. Age: 76 years

Admitting Physician: Raymond MD, James I

Date of Birth:

CMRN: 000215649

ED Discharge Summary

DOCUMENT NAME: Discharge Summary PHED
SERVICE DATE/TIME: 3/22/2008 18:23 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Watson RN, Jennifer D (3/22/2008 18:23 EDT)
ELECTRONICALLY SIGNED BY:

Discharge Summary PHED
03/22/08 06:23 pm Performed by Watson RN, Jennifer D
Entered on 03/22/08 06:24 pm

Discharge Summary PHED

Patient Disposition Home or Self Care
Mode of Discharge Wheelchair
Assisted By Nurse Tech
Accompanied By Self
Reassessment of Chief Complaint-ED Improved
Current Pain-Yes-No No
IV/INT Discontinued No
Valuable-Belonging Return-ED None taken
Discharge Instructions ED Instructions Given, Patient
Verbalizes Understanding

Vital Signs PHED

Pulse Rate 108
Respiratory Rate 22
NIBP Systolic 101 mmHg
NIBP Diastolic 63 mmHg
NIBP Mean Calculated 76 mmHg
Pulse Ox Sat 100 %
Oxygen Modality Room Air

DOCUMENT NAME: Depart Summary
SERVICE DATE/TIME: 3/22/2008 17:11 EDT
RESULT STATUS: Auth (Verified)
PERFORM INFORMATION: Souder MD, Christopher A (3/22/2008 17:11 EDT)
ELECTRONICALLY SIGNED BY:

Depart Summary

Palmetto Health Emergency Department Depart Summary

PERSON INFORMATION

Name JOHNSON, MYRTLE FRANCIS a	Age 69 Years	DOB 12:00 AM
Sex Female	Language English	PCP
Marital Status Divorced	Phone (	
MRN R005913710	Visit Id	Acct# R0808200180

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt Age: 76 years
Date of Birth:
CMRN: 000215649

ED Discharge Summary

Visit Reason: ASSAULT	Specialty	
Enc Type ERR-Emergency Room	Med Service Emergency Services	Referred by
Track Group R Tracking Group	Discharge	
Tracking Id 15351201	Checkout	
Checkin 3/22/2008 11:14 AM	Acuity 3	Dispo Type
Arrival 3/22/2008 11:14 AM	Reg Status Cancelled	LOS 000 05:57
Address:		
	SOUTH CAROLINA	

POWERFORMS

SCHEDULING

PHYS DOC NOTES

DEPART REASON INCOMPLETE INFORMATION

PROVIDER INFORMATION

Provider	Role	Assigned	Unassigned
Brown MD, Eric A	ED Physician	3/22/2008 11:18 AM	
Campbell, Dennis L	ED Administrator	3/22/2008 11:18 AM	
Souder, Christopher A	ED Resident	3/22/2008 11:18 AM	
Le, Huyen H	ED Tech	3/22/2008 11:18 AM	
Jennifer K McCorkle	ED Tech	3/22/2008 11:18 AM	
Watson, Jennifer D	ED RN/LPN	3/22/2008 11:31 AM	

VITALS INFORMATION

Vital Sign	Triage	Latest
Job		
Involve Family		
Contact		
Pain Onset		
Temp Intravascular	97.4 DegF	97.4 DegF
Pulse Rate	74	68
Respiratory Rate		
Blood Pressure	107 mmHg / 96 mmHg	127 mmHg / 88 mmHg

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I

Pt. Age: 76 years

Admitting Physician: Raymond MD, James I

Date of Birth:

CMRN: 000215649

ED Discharge Summary

EVENTS INFORMATION

Event Name	Event Status	Request Date/Time	Start Date/Time	Complete Date/Time
Arrival	Complete	3/22/2008 11:14 AM	3/22/2008 11:14 AM	3/22/2008 11:14 AM
Registration	Complete	3/22/2008 11:14 AM	3/22/2008 12:04 PM	3/22/2008 12:04 PM
Arrival	Complete	3/22/2008 11:14 AM	3/22/2008 11:14 AM	3/22/2008 11:14 AM
Nurse Exam	Complete	3/22/2008 11:14 AM	3/22/2008 11:55 AM	3/22/2008 11:55 AM
ED Bed Assign	Complete	3/22/2008 11:18 AM	3/22/2008 11:18 AM	3/22/2008 11:18 AM
Radiology Order	Complete	3/22/2008 11:34 AM	3/22/2008 11:52 AM	3/22/2008 4:04 PM
Laboratory Order	Complete	3/22/2008 11:45 AM		
Reg - Need Info	Complete	3/22/2008 12:04 PM	3/22/2008 12:27 PM	3/22/2008 12:27 PM

LOCATION INFORMATION

Arrival	Nurse Unit	Room	Bed
3/22/2008 11:14 AM	R ED Pod 5	PS WR	
3/22/2008 11:18 AM	R ED Pod 5	PS	51

ORDERS INFORMATION

Start Time	Order	Type	Status	Stop Time	Provider
3/22/2008 11:15 AM	Facility Charge Ticket	Health Information Management	Ordered	3/22/2008 11:15 AM	SYSTEM SYSTEM
3/22/2008 11:31 AM	CT Facial Bones W/O Contrast	Radiology	Ordered	3/22/2008 11:31 AM	Raymond MD, James I
3/22/2008 11:31 AM	CT Orbits W/O Contrast	Radiology	Canceled	3/22/2008 4:02 PM	Raymond MD, James I
3/22/2008 11:32 AM	CT Chest Abdomen Pelvis W/O Contrast	Radiology	Ordered	3/22/2008 11:32 AM	Raymond MD, James I
3/22/2008 11:32 AM	CT Cervical Spine W/O Contrast + Recons	Radiology	Ordered	3/22/2008 11:32 AM	Raymond MD, James I
3/22/2008 11:31 AM	CT Head W/O Contrast	Radiology	Ordered	3/22/2008 11:31 AM	Raymond MD, James I
3/22/2008 11:45 AM	Alcohol/Ethanol Level	Laboratory	Completed	3/22/2008 12:20 PM	Raymond MD, James I
3/22/2008 11:45 AM	Hemoglobin & Hematocrit, ED	Laboratory	Completed	3/22/2008 12:10 PM	Raymond MD, James I
3/22/2008 11:45 AM	Basic Metabolic Panel, ED	Laboratory	Completed	3/22/2008 12:20 PM	Raymond MD, James I
3/22/2008 11:53 AM	Influenza Evaluation Complete Home	Patient Care	Ordered	3/22/2008 11:53 AM	SYSTEM SYSTEM
3/22/2008 11:53 AM	Medication Information	Patient Care	Ordered	3/22/2008 11:53 AM	SYSTEM SYSTEM
3/22/2008 11:53 AM	Pneumovax Evaluation	Patient Care	Ordered	3/22/2008 11:53 AM	SYSTEM SYSTEM
3/22/2008 3:14 PM	Pump IV Single	Materials Management	Ordered	3/22/2008 3:14 PM	Hals MD, Gary D

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

ED Discharge Summary**MEDICAL INFORMATION**

Allergy Info:

NKA

Prescriptions Given**Prescription**

acetaminophen-hydrocodone (Vicodin 500
mg-5 mg oral tablet)

erythromycin ophthalmic (erythromycin
ophthalmic 0.5% ointment)

Home Meds

temazepam

enalapril-hydrochlorothiazide

(enalapril-hydrochlorothiazide 10 mg-25 mg 1 tab PO daily 0 Refill(s) 0 Tot. Refills
oral tablet)

Display

1 tab PO q4hr(s) PRN #30 tab 0 Refill(s) 0 Tot. Refills

0.5 in BOTH EYES 4x daily #5 days 0 Refill(s) 0 Tot. Refills

Display

30 mg PO HS 0 Refill(s) 0 Tot. Refills

DISCHARGE INFORMATION

Discharge Disposition:

Discharge Location:

PATIENT EDUCATION INFORMATION

Instructions:

FACIAL CONTUSION, no wakeup; EYE CONTUSION; EYE INJURY, Subconj Hemorrhage.

Follow up:

With:

Address:

When:

Follow up with eye clinic

1 medical park drive

call 434-7920 for

appointment on Monday

Comments:

If you are unable to obtain a follow up appointment with the eye clinic then return to ER for repeat eye exam.

Return to ER for any concerns

Take medications as prescribed

apply ice to eyes every 2 hours

DIAGNOSIS

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I

Pt. Age: 76 years

Admitting Physician: Raymond MD, James I

Date of Birth:

CMRN: 000215649

Allergies

Substance	Updated Date/Time	Updated By	Allergy Type	Allergy Category	Severity	Recorded On Behalf Of	Reaction Status	Reaction Symptom	Information Source	Estimated Onset Date/Time	Reviewed Date/Time	Reviewed By	Data Source
NKA	3/22/2008 11:52 EDT	Watson RN, Jennifer D	Allergy	Drug Allergy		Watson RN, Jennifer D	Active				3/22/2008 11:52 EDT	Watson RN, Jennifer D	

Allergy History

Substance: NKA	Recorded Date/Time: 3/22/2008 11:52 EDT	Recorded By: Watson RN, Jennifer D	Allergy Type: Allergy; Recorded On Behalf Of: Watson RN, Jennifer D; Reaction Status: Active; Reviewed Date/Time: 3/22/2008 11:52 EDT; Reviewed By: Watson RN, Jennifer D; Category Drug Allergy;
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Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD,James I
Admitting Physician: Raymond MD,James I

Pl Age: 76 years
Date of Birth:
CMRN: 000215649

Non Medication Orders

Order: Alcohol/Ethanol Level (ETOH)

Order Start Date/Time: 3/22/2008 11:45 EDT

Order Date/Time: 3/22/2008 11:45 EDT

Order Status: Completed Department Status: Completed Catalog Type: Laboratory Activity Type: General Lab

End-state Date/Time: 3/22/2008 12:20 EDT

End-state Reason:

Ordered and Electronically Signed By: Raymond MD,James I

Consulting Physician:

Entered By: SYSTEM,SYSTEM on 3/22/2008 12:20 EDT

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Order Comment:

Action Type: Order Action Date/Time: 3/22/2008 11:45 EDT Action Personnel: Hobbs US,Ashley E
Responsible Provider: Raymond MD,James I Supervising Provider: Communication Type: Written (includes fax)

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change Action Date/Time: 3/22/2008 12:04 EDT Action Personnel: Contributor_system,MISYSLAB
Responsible Provider: Raymond MD,James I Supervising Provider: Communication Type: ESI Default

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change Action Date/Time: 3/22/2008 12:20 EDT Action Personnel: Contributor_system,MISYSLAB
Responsible Provider: Raymond MD,James I Supervising Provider: Communication Type: ESI Default

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Complete Action Date/Time: 3/22/2008 12:20 EDT Action Personnel: Contributor_system,MISYSLAB
Responsible Provider: Raymond MD,James I Supervising Provider: Communication Type: ESI Default

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change Action Date/Time: 3/22/2008 12:20 EDT Action Personnel: SYSTEM,SYSTEM
Responsible Provider: Raymond MD,James I Supervising Provider: Communication Type: ESI Default

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC:

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I

Pt. Age: 76 years

Admitting Physician: Raymond MD, James I

Date of Birth:

CMRN: 000215649

Non Medication Orders

Order: Basic Metabolic Panel, ED (BMP, ED)

Order Start Date/Time: 3/22/2008 11:45 EDT

Order Date/Time: 3/22/2008 11:45 EDT

Order Status: Completed Department Status: Completed Catalog Type: Laboratory Activity Type: General Lab

End-state Date/Time: 3/22/2008 12:20 EDT

End-state Reason:

Ordered and Electronically Signed By: Raymond MD, James I

Consulting Physician:

Entered By: Contributor_system, MISYSLAB on 3/22/2008 12:20 EDT

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Order Comment:

Action Type: Order

Action Date/Time: 3/22/2008 11:45 EDT

Action Personnel: Hobbs US, Ashley E

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change

Action Date/Time: 3/22/2008 12:04 EDT

Action Personnel: Contributor_system, MISYSLAB

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: ESI Default

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Complete

Action Date/Time: 3/22/2008 12:20 EDT

Action Personnel: Contributor_system, MISYSLAB

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: ESI Default

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Order: Complete Home Medication Information

Order Start Date/Time: 3/22/2008 11:53 EDT

Order Date/Time: 3/22/2008 11:53 EDT

Order Status: Discontinued Department Status: Discontinued Catalog Type: Patient Care Activity Type: Communication Orders

End-state Date/Time: 8/4/2008 11:41 EDT

End-state Reason:

Ordered and Electronically Signed By: SYSTEM, SYSTEM

Consulting Physician:

Entered By: Cleanup, Orders on 8/4/2008 11:41 EDT

Order Details: 03/22/08 11:53:18

Order Comment: From Allergies - Home Medications Form

Action Type: Order

Action Date/Time: 3/22/2008 11:53 EDT

Action Personnel: SYSTEM, SYSTEM

Responsible Provider: SYSTEM, SYSTEM

Supervising Provider:

Communication Type: Discern Expert

Order Details: 03/22/08 11:53:18

Review Information:

Doctor Cosign: Not Required

Order Comment: From Allergies - Home Medications Form

Action Type: Discontinue

Action Date/Time: 8/4/2008 11:41 EDT

Action Personnel: Cleanup, Orders

Responsible Provider: SYSTEM, SYSTEM

Supervising Provider:

Communication Type:

Order Details: 03/22/08 11:53:18

Review Information:

Doctor Cosign: Not Required

Order Comment:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Non Medication Orders

Order: CT Cervical Spine W/O Contrast + Recons

Order Start Date/Time: 3/22/2008 11:32 EDT

Order Date/Time: 3/22/2008 11:31 EDT

Order Status: Completed Department Status: Completed Catalog Type: Radiology Activity Type: Radiology

End-state Date/Time: 3/22/2008 17:58 EDT

End-state Reason:

Ordered and Electronically Signed By: Raymond MD, James I

Consulting Physician:

Entered By: Silvester MD, T Daniel on 3/22/2008 17:58 EDT

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Order Comment:

Action Type: Order Action Date/Time: 3/22/2008 11:34 EDT Action Personnel: Hudson Malissa Y

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change

Action Date/Time: 3/22/2008 11:52 EDT

Action Personnel: Frazier, Kenyatta S

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change

Action Date/Time: 3/22/2008 16:04 EDT

Action Personnel: Hicks, Michele

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Complete

Action Date/Time: 3/22/2008 17:58 EDT

Action Personnel: Silvester MD, T Daniel

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203--

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Non Medication Orders

Order: CT Chest Abdomen Pelvis W/O Contrast

Order Start Date/Time: 3/22/2008 11:32 EDT

Order Date/Time: 3/22/2008 11:31 EDT

Order Status: Completed Department Status: Completed Catalog Type: Radiology Activity Type: Radiology

End-state Date/Time: 3/22/2008 17:58 EDT

End-state Reason:

Ordered and Electronically Signed By: Raymond MD, James I

Consulting Physician:

Entered By: Silvester MD, T Daniel on 3/22/2008 17:58 EDT

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Order Comment:

Action Type: Order

Action Date/Time: 3/22/2008 11:34 EDT

Action Personnel: Hudson, Malissa Y

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change

Action Date/Time: 3/22/2008 11:52 EDT

Action Personnel: Frazier, Kenyatta S

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change

Action Date/Time: 3/22/2008 16:04 EDT

Action Personnel: Hicks, Michele

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Complete

Action Date/Time: 3/22/2008 17:58 EDT

Action Personnel: Silvester MD, T Daniel

Responsible Provider: Raymond MD, James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:32:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD,James I
Admitting Physician: Raymond MD,James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Non Medication Orders

Order: CT Facial Bones W/O Contrast

Order Start Date/Time: 3/22/2008 11:31 EDT

Order Date/Time: 3/22/2008 11:31 EDT

Order Status: Completed Department Status: Completed Catalog Type: Radiology Activity Type: Radiology

End-state Date/Time: 3/22/2008 17:58 EDT

End-state Reason:

Ordered and Electronically Signed By: Raymond MD,James I

Consulting Physician:

Entered By: Silvester MD,T Daniel on 3/22/2008 17:58 EDT

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Order Comment:

Action Type: Order

Action Date/Time: 3/22/2008 11:34 EDT

Action Personnel: Hudson,Malissa Y

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change

Action Date/Time: 3/22/2008 11:52 EDT

Action Personnel: Frazier,Kenyatta S

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change

Action Date/Time: 3/22/2008 16:04 EDT

Action Personnel: Hicks,Michele

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Complete

Action Date/Time: 3/22/2008 17:58 EDT

Action Personnel: Silvester MD,T Daniel

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymono MD,James I
Admitting Physician: Raymono MD,James I

Pt Age: 76 years
Date of Birth:
CMRN: 000215649

Non Medication Orders

Order: CT Head W/O Contrast

Order Start Date/Time: 3/22/2008 11:31 EDT

Order Date/Time: 3/22/2008 11:31 EDT

Order Status: Completed Department Status: Completed Catalog Type: Radiology Activity Type: Radiology

End-state Date/Time: 3/22/2008 17:58 EDT

End-state Reason:

Ordered and Electronically Signed By: Raymond MD,James I

Consulting Physician:

Entered By: Silvester MD,T Daniel on 3/22/2008 17:58 EDT

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Order Comment:

Action Type: Order Action Date/Time: 3/22/2008 11:34 EDT Action Personnel: Hudson,Melissa Y

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change Action Date/Time: 3/22/2008 11:52 EDT Action Personnel: Frazier,Kenyatta S

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change Action Date/Time: 3/22/2008 16:04 EDT Action Personnel: Hicks,Michele

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Complete Action Date/Time: 3/22/2008 17:58 EDT Action Personnel: Silvester MD,T Daniel

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD,James I
Admitting Physician: Raymond MD,James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Non Medication Orders

Order: CT Orbits W/O Contrast

Order Start Date/Time: 3/22/2008 11:31 EDT

Order Date/Time: 3/22/2008 11:31 EDT

Order Status: Canceled Department Status: Canceled Catalog Type: Radiology Activity Type: Radiology

End-state Date/Time: 3/22/2008 16:02 EDT

End-state Reason: Admitted In Error

Ordered and Electronically Signed By: Raymond MD,James I

Consulting Physician:

Entered By: Kaigler-Hutto,Kathy D on 3/22/2008 16:02 EDT

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Order Comment:

Action Type: Order Action Date/Time: 3/22/2008 11:34 EDT Action Personnel: Hudson,Malissa Y

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change

Action Date/Time: 3/22/2008 11:52 EDT

Action Personnel: Frazier,Kenyatta S

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Cancel

Action Date/Time: 3/22/2008 16:02 EDT

Action Personnel: Kaigler-Hutto,Kathy D

Responsible Provider: Raymond MD,James I

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 11:31:00, Stat, Reason: assaulted, Transport: Stretcher, er pod5 rm251

Review Information:

Doctor Cosign: Not Required

Order Comment:

Order: Facility Charge Ticket

Order Start Date/Time: 3/22/2008 11:15 EDT

Order Date/Time: 3/22/2008 11:15 EDT

Order Status: Completed Department Status: Completed Catalog Type: Health Information Management Activity Type: Health Information Management

End-state Date/Time: 3/24/2008 17:36 EDT

End-state Reason:

Ordered and Electronically Signed By: SYSTEM,SYSTEM

Consulting Physician:

Entered By: Torres,Ivana J on 3/24/2008 17:36 EDT

Order Details: 03/22/08 11:15:03, Stop 03/22/08 11:15:03

Order Comment:

Action Type: Order Action Date/Time: 3/22/2008 11:15 EDT Action Personnel: SYSTEM,SYSTEM

Responsible Provider: SYSTEM,SYSTEM

Supervising Provider:

Communication Type: Discern Expert

Order Details: 03/22/08 11:15:03, Stop 03/22/08 11:15:03

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Complete

Action Date/Time: 3/24/2008 17:36 EDT

Action Personnel: Torres,Ivana J

Responsible Provider: SYSTEM,SYSTEM

Supervising Provider:

Communication Type:

Order Details: 03/22/08 11:15:03, Stop 03/22/08 11:15:03

Review Information:

Doctor Cosign: Not Required

Order Comment:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I

Pt. Age: 76 years

Admitting Physician: Raymond MD, James I

Date of Birth:

CMRN: 000215649

Non Medication Orders

Order: Hemoglobin& Hematocrit,ED

Order Start Date/Time: 3/22/2008 11:45 EDT

Order Date/Time: 3/22/2008 11:45 EDT

Order Status: Completed Department Status: Completed Catalog Type: Laboratory Activity Type: General Lab

End-state Date/Time: 3/22/2008 12:10 EDT End-state Reason:

Ordered and Electronically Signed By: Raymond MD, James I Consulting Physician:

Entered By: Contributor_system,MISYSLAB on 3/22/2008 12:10 EDT

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Order Comment:

Action Type: Order Action Date/Time: 3/22/2008 11:45 EDT Action Personnel: Hobbs US, Ashley E

Responsible Provider: Raymond MD, James I Supervising Provider: Communication Type: Written (includes fax)

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Status Change Action Date/Time: 3/22/2008 12:04 EDT Action Personnel: Contributor_system,MISYSLAB

Responsible Provider: Raymond MD, James I Supervising Provider: Communication Type: ESI Default

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Action Type: Complete Action Date/Time: 3/22/2008 12:10 EDT Action Personnel: Contributor_system,MISYSLAB

Responsible Provider: Raymond MD, James I Supervising Provider: Communication Type: ESI Default

Order Details: 03/22/08 11:45:00, Stat, OT, Specimen: Blood, Nurse To Collect, Stop 03/22/08 11:45:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Order: Influenza Evaluation

Order Start Date/Time: 3/22/2008 11:53 EDT

Order Date/Time: 3/22/2008 11:53 EDT

Order Status: Discontinued Department Status: Discontinued Catalog Type: Patient Care Activity Type: Communication Orders

End-state Date/Time: 3/23/2008 03:05 EDT End-state Reason:

Ordered and Electronically Signed By: SYSTEM,SYSTEM Consulting Physician:

Entered By: SYSTEM,SYSTEM on 3/23/2008 03:05 EDT

Order Details: 03/22/08 11:53:18

Order Comment: From Admission History Form

Action Type: Order Action Date/Time: 3/22/2008 11:53 EDT Action Personnel: SYSTEM,SYSTEM

Responsible Provider: SYSTEM,SYSTEM Supervising Provider: Communication Type: Discern Expert

Order Details: 03/22/08 11:53:18

Review Information:

Doctor Cosign: Not Required

Order Comment: From Admission History Form

Action Type: Discontinue Action Date/Time: 3/23/2008 03:05 EDT Action Personnel: SYSTEM,SYSTEM

Responsible Provider: SYSTEM,SYSTEM Supervising Provider: Communication Type:

Order Details: 03/22/08 11:53:18

Review Information:

Doctor Cosign: Not Required

Order Comment:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD,James I
Admitting Physician: Raymond MD,James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Non Medication Orders:

Order: Pneumovax Evaluation

Order Start Date/Time: 3/22/2008 11:53 EDT

Order Date/Time: 3/22/2008 11:53 EDT

Order Status: Discontinued

Department Status: Discontinued

Catalog Type: Patient Care

Activity Type: Communication Orders

End-state Date/Time: 8/4/2008 11:41 EDT

End-state Reason:

Ordered and Electronically Signed By: SYSTEM,SYSTEM

Consulting Physician:

Entered By: Cleanup,Orders on 8/4/2008 11:41 EDT

Order Details: 03/22/08 11:53:18

Order Comment: From Admission Form

Action Type: Order

Action Date/Time: 3/22/2008 11:53 EDT

Action Personnel: SYSTEM,SYSTEM

Responsible Provider: SYSTEM,SYSTEM

Supervising Provider:

Communication Type: Discern Expert

Order Details: 03/22/08 11:53:18

Review Information:

Doctor Cosign: Not Required

Order Comment: From Admission Form

Action Type: Discontinue

Action Date/Time: 8/4/2008 11:41 EDT

Action Personnel: Cleanup,Orders

Responsible Provider: SYSTEM,SYSTEM

Supervising Provider:

Communication Type:

Order Details: 03/22/08 11:53:18

Review Information:

Doctor Cosign: Not Required

Order Comment:

Order: Pump IV, Single

Order Start Date/Time: 3/22/2008 15:14 EDT

Order Date/Time: 3/22/2008 15:14 EDT

Order Status: Discontinued

Department Status: Discontinued

Catalog Type: Materials Management

Activity Type: Materials Management

End-state Date/Time: 3/23/2008 03:05 EDT

End-state Reason:

Ordered and Electronically Signed By: Hals MD,Gary D

Consulting Physician:

Entered By: SYSTEM,SYSTEM on 3/23/2008 03:05 EDT

Order Details: 03/22/08 15:14:00, 1, Stop 03/22/08 15:14:00

Order Comment: pod 5

Action Type: Order

Action Date/Time: 3/22/2008 15:15 EDT

Action Personnel: Watson RN,Jennifer D

Responsible Provider: Hals MD,Gary D

Supervising Provider:

Communication Type: Written (includes fax)

Order Details: 03/22/08 15:14:00, 1, Stop 03/22/08 15:14:00

Review Information:

Doctor Cosign: Not Required

Order Comment: pod 5

Action Type: Discontinue

Action Date/Time: 3/23/2008 03:05 EDT

Action Personnel: SYSTEM,SYSTEM

Responsible Provider: Hals MD,Gary D

Supervising Provider:

Communication Type:

Order Details: 03/22/08 15:14:00, 1, Stop 03/22/08 15:14:00

Review Information:

Doctor Cosign: Not Required

Order Comment:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Medication Orders

Order: temazepam

Order Start Date/Time: 3/22/2008 11:52 EDT

Order Date/Time: 3/22/2008 11:52 EDT

Order Status: Discontinued

Clinical Category: Medications

Medication Type: Documented

Ordered and Electronically Signed By:

Consulting Physician:

Entered By: Watson RN, Jennifer D on 3/22/2008 11:52 EDT

Order Details: Dose: 30 mg, PO, HS, current med (Hx)

Order Comment:

Order: enalapril-hydrochlorothiazide (enalapril-hydrochlorothiazide 10 mg-25 mg oral tablet)

Order Start Date/Time: 3/22/2008 11:52 EDT

Order Date/Time: 3/22/2008 11:52 EDT

Order Status: Discontinued

Clinical Category: Medications

Medication Type: Documented

Ordered and Electronically Signed By:

Consulting Physician:

Entered By: Watson RN, Jennifer D on 3/22/2008 11:52 EDT

Order Details: Give: 1 tab, PO, daily, current med (Hx)

Order Comment:

Order: acetaminophen-hydrocodone (Vicodin 500 mg-5 mg oral tablet)

Order Start Date/Time: 3/22/2008 17:11 EDT

Order Date/Time: 3/22/2008 17:11 EDT

Order Status: Completed

Clinical Category: Medications

Medication Type: Prescription

End-state Date/Time: 1/10/2014 14:29 EST

End-state Reason:

Ordered and Electronically Signed By: Souder MD, Christopher A

Consulting Physician:

Entered By: Brady, Joann A on 1/10/2014 14:29 EST

Order Details: Give: 1 tab, PO, q4hr(s), PRN, as needed for pain, R Local Printer, 0

Order Comment:

Order: erythromycin ophthalmic (erythromycin ophthalmic 0.5% ointment)

Order Start Date/Time: 3/22/2008 17:11 EDT

Order Date/Time: 3/22/2008 17:11 EDT

Order Status: Completed

Clinical Category: Medications

Medication Type: Prescription

End-state Date/Time: 1/10/2014 14:29 EST

End-state Reason:

Ordered and Electronically Signed By: Souder MD, Christopher A

Consulting Physician:

Entered By: Brady, Joann A on 1/10/2014 14:29 EST

Order Details: Give: 0.5 in, BOTH EYES, 4x daily, R Local Printer, 5 days

Order Comment:

Radiology

ACCESSION	EXAM DATE/TIME	PROCEDURE	ORDERING PROVIDER	STATUS
CT-08-0017808	3/22/2008 16:03 EDT	CT Cervical Spine W/O IV Cont + Recons	Raymond MD, James I	Auth (Verified)

Reason For Exam

(CT Cervical Spine W/O IV Cont + Recons) assaulted

Findings:

CT CERVICAL SPINE:

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Radiology

ACCESSION	EXAM DATE/TIME	PROCEDURE	ORDERING PROVIDER	STATUS
CT-08-0017808	3/22/2008 16:03 EDT	CT Cervical Spine W/O IV Cont + Recons	Raymond MD, James I	Auth (Verified)

Findings:

Reason for exam is patient assaulted.

CT of the cervical spine was performed with axial scans. Sagittal and coronal reconstructions were made and viewed on the PAX. There are no cervical spine fractures. There is no subluxation or mal alignment. Note is made that in the soft tissues of the left posterior aspect of the cervical spine there is some edema or hematoma in the left posterior cervical muscle and in the left posterior subcutaneous fat.

IMPRESSION:

NO CERVICAL SPINE FRACTURE. LEFT POSTERIOR SOFT TISSUE HEMATOMA NOTED.

*** Final ***

Trans On: 03/22/2008 15:26 by: PCE

Read by: Silvester MD, T Daniel

Released By: Silvester MD, T Daniel

Released on: 03/22/2008 17:57

Technologist: Kalgler-Hutto, Kathy D

ACCESSION	EXAM DATE/TIME	PROCEDURE	ORDERING PROVIDER	STATUS
CT-08-0017805	3/22/2008 16:03 EDT	CT Facial Bones W/O IV Contrast	Raymond MD, James I	Auth (Verified)

Reason For Exam

(CT Facial Bones W/O IV Contrast) assaulted

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Radiology

ACCESSION	EXAM DATE/TIME	PROCEDURE	ORDERING PROVIDER	STATUS
CT-08-0017805	3/22/2008 16:03 EDT	CT Facial Bones W/O IV Contrast	Raymond MD, James I	Auth (Verified)

Findings:

CT OF THE FACE

REASON FOR EXAM: Assaulted.

CT of the face was performed with axial scans. Coronal reconstructions were made and viewed on the PACS.

There are no fractures of the mandible or the maxilla. There are no maxillary sinus fractures. There are no orbit rim or orbit floor fractures. There are no nasal bone fractures. The zygomatic arches are intact. There is soft tissue edema of the periorbital regions and also over the right and left cheek regions.

IMPRESSION:

NO FACIAL OR ORBIT FRACTURES. PERIORBITAL SOFT TISSUE EDEMA IS NOTED.

*** Final ***

Trans On: 03/22/2008 15:11 by: TLL

Read by: Silvester MD, T Daniel

Released By: Silvester MD, T Daniel

Released on: 03/22/2008 17:57

Technologist: Kaigler-Hutto, Kathy D

ACCESSION	EXAM DATE/TIME	PROCEDURE	ORDERING PROVIDER	STATUS
CT-08-0017809	3/22/2008 16:03 EDT	CT Head W/O IV Contrast	Raymond MD, James I	Auth (Verified)

Reason For Exam

(CT Head W/O IV Contrast) assaulted

Findings:

CT OF THE HEAD

REASON FOR EXAM: Assaulted.

Axial noncontrast scans of the head were obtained.

There is no intracranial hemorrhage and there is no midline shift or mass effect. There is no skull fracture. There are bilateral parietal scalp hematomas with the left scalp hematoma being considerably larger. This left scalp hematoma measures approximately 8 cm anterior to posterior x approximately 2 cm in maximum thickness x approximately 4-5 cm in the top to bottom dimensions. On the right, the scalp hematoma is more in

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

PL Age: 76 years
Date of Birth:
CMRN: 000215649

Radiology

ACCESSION	EXAM DATE/TIME	PROCEDURE	ORDERING PROVIDER	STATUS
CT-08-0017809	3/22/2008 16:03 EDT	CT Head W/O IV Contrast	Raymond MD, James I	Auth (Verified)

Findings:

the right frontoparietal region. There is bilateral periorbital soft tissue swelling. There are no fractures noted of the orbital floors or orbital rims.

IMPRESSION:

NO INTRACRANIAL INJURY AND NO SKULL FRACTURE. BILATERAL FRONTO-PARIETAL SCALP HEMATOMAS, GREATER ON THE LEFT THAN THE RIGHT AND BILATERAL PERIORBITAL SOFT TISSUE SWELLING. NO VISIBLE FACIAL FRACTURE.

*** Final ***

Trans. On: 03/22/2008 15:1 by: TLL

Read by: Silvester MD, T Daniel

Released By: Silvester MD, T Daniel

Released on: 03/22/2008 17:57

Technologist: Kaigler-Hutto, Kathy D

ACCESSION	EXAM DATE/TIME	PROCEDURE	ORDERING PROVIDER	STATUS
CT-08-0017807	3/22/2008 16:03 EDT	CT Chest Abd Pelvis W/ Raymond MD, James I Oral Cont Only		Auth (Verified)

Reason For Exam

(CT Chest Abd Pelvis W/ Oral Cont Only) assaulted

Findings:

CT OF THE CHEST, ABDOMEN AND PELVIS

REASON FOR EXAM: Patient assaulted.

CT OF THE CHEST: CT of the chest was performed with IV contrast. There is no pneumothorax. There is no evidence of any lung contusion. The thoracic aorta shows no evidence of any dissection. There is dilatation of the ascending aorta with a maximum AP diameter of approximately 4.2 cm. This is a chronic finding. There are no displaced rib fractures and there are no thoracic spine fractures.

IMPRESSION:

NO ACUTE INJURY OF THE CHEST. ANEURYSMAL DILATATION OF THE ASCENDING AORTA WHICH IS A CHRONIC FINDING.

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Radiology

ACCESSION	EXAM DATE/TIME	PROCEDURE	ORDERING PROVIDER	STATUS
CT-08-0017807	3/22/2008 16:03 EDT	CT Chest Abd Pelvis W/Raymond MD, James I Oral Cont Only		Auth (Verified)

Findings:

CT OF THE ABDOMEN: CT of the abdomen was performed with IV contrast. The liver, spleen, pancreas and kidneys are within normal limits. There is no free fluid or free air in the abdomen. There are no fractures. There is no edema of the subcutaneous fat.

IMPRESSION:

NEGATIVE CT OF THE ABDOMEN.

CT OF THE PELVIS: CT of the pelvis was performed with IV contrast. There are no pelvic fractures, and there is no free fluid in the pelvis. There is no pelvic mass.

IMPRESSION:

NEGATIVE CT OF THE PELVIS.

*** Final ***

Trans On: 03/22/2008 15:30 by: TLL

Read by: Silvester MD, T Daniel

Released By: Silvester MD, T Daniel

Released on: 03/22/2008 17:57

Technologist: Kaigler-Hutto, Kathy D

Facility Info: Palmetto Health Richland
5 Richland Medical Park
Columbia, SC 29203-

Patient Info: JOHNSON, MYRTLE F
SC

MRN: B000775938; D000542783;
D810003053; R005913710
FIN: R0808200180

Attending Physician: Raymond MD, James I
Admitting Physician: Raymond MD, James I

Pt. Age: 76 years
Date of Birth:
CMRN: 000215649

Laboratory Results

Hematology

Collected Date	3/22/2008		
Collected Time	11:55 EDT		
Procedure		Units	Reference Range
Hemoglobin	15.1	g/dL	[11.1-15.8]
Hematocrit	44.7	%	[32.5-48.0]

Chemistry

Collected Date 3/22/2008		
Collected Time 11:55 EDT		
Procedure	Units	Reference Range
Sodium	142 mmol/L	[136-145]
Potassium	3.6 mmol/L	[3.4-5.1]
Chloride	102 mmol/L	[99-110]
CO2	30 mmol/L	[23-32]
Glucose Level	104 ^{HR} mg/dL	[70-99]
BUN	18 mg/dL	[6-20]
Creatinine	1.0 mg/dL	[0.6-1.1]
GFR Non-African American	58 ⁺ ml/min/1.73 sq meter	[>60]
GFR African American	>60 ml/min/1.73 sq meter	[>60]
Calcium	9.2 mg/dL	[8.6-10.2]
Ethyl Alcohol	<10 mg/dL	[<10]
ETOH (g%)	<0.010 g%	[<0.01]

Result Comments

R1: Glucose Level
FASTING: 70-99
IMPAIRED FASTING: 100-125
RANDOM: 70-140

Family History

Last Update: 1/10/2014 14:22 EST by Brady, Joann A

Mother: Deceased at age: Unknown

Condition	Age of Onset	Life Cycle	Severity
Diabetes mellitus type 2	Positive		

Father: Deceased at age: Unknown

Condition	Age of Onset	Life Cycle	Severity
Alzheimer's disease	Positive		

Page 1 of 3 Pages

AGENCY I.D. LEXINGTON COUNTY SHERIFF'S DEPARTMENT
SCO 320000 INCIDENT REPORT

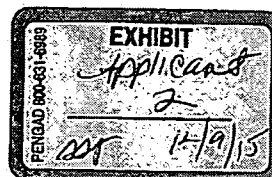
CASE NUMBER

08026476

NCIC

IND	EXTD
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INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. AGGRAVATED ASSAULT - / Criminal Domestic Violence				☒ YES ☐ NO	☐ YES ☐ NO	Residence/Home	0	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Religious ☐ Social/Political ☐ Other ☐ Unknown ☐ Police Off.
2.				☐ YES ☐ NO	☐ YES ☐ NO			
3.				☐ YES ☐ NO	☐ YES ☐ NO			
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						ZIP CODE	WEAPON TYPE	
						29172	Blunt Object - club sti	
INCIDENT DATE 24 HR CLOCK		TO	DATE	24 HR CLOCK	DISPATCH DATE TIME 24 HR CLOCK		LOCATION NO.	
03/22/2008 00:01			03/22/2008	01:00	DISP. DATE 03/22/2008 DISP. TIME 09:40 TIME ARRIVED 10:00 DEPART TIME 10:45		South	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE
JONES GAIL MACK				NE	180 U	B	F	47
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	
				WEST COLUMBIA	SC	29172		
VICTIM'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE
JOHNSON MYRTLE				BG	180 U	B	F	69
HEIGHT				WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES CLOTHING, PHYSICAL PECULIARITIES, ETC.	
502				145	GRY	BRN		
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	
					SC			
VISIBLE INJURY (VICT 1) ☒ YES ☐ NO				EXPLAIN - Other Major Injury				COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO
VICTIM (NO 1) USING ALCOHOL ☐ YES ☐ NO ☒ UNK				DRUGS ☐ YES ☐ NO ☒ UNK				TYPE
TWO-MAN VEH ☐ ONE-MAN VEH ☐ DETECTIVE/SPL ASMT ☐ OTHER ☐ ALONE ☐ ASSISTED ☐				J- This Jurisdiction, S- State, Out of State, U- Unknown				Resident Deputy APPROX- DIXIANNA
☒ SUSPECT				NAME (LAST, FIRST, MIDDLE)				RACE
☐ RUNAWAY				GOLSTON BENNIE				B M 55
				HEIGHT				WEIGHT
				509				190
				HAIR				EYES
				BLK				BRN
				FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				
SUBJECT				STATE				LOCATION NO.
☐ WARRANT				SC				
☐ ARREST								
☐ JAIL								
☐ SUMMONS								
SUBJECT (NO 1) USING ALCOHOL ☐ YES ☐ NO ☒ UNK				ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO				DATE/TIME OF OFFENSE
DRUGS ☐ YES ☐ NO ☒ UNK				TOTAL # ARRESTED				DATE/TIME OF ARREST
VICTIM BILL OF RIGHTS (COPY PROVIDED) ☐ YES ☒ NO				BOND HEARING (DATE / TIME)				
VICTIM WISHES TO BE NOTIFIED OF FUTURE LEGAL PROCEEDINGS? ☐ YES ☒ NO								
On the above listed date and time R/O responded to the incident location in reference to Ms. Jones advised her neighbor had been assaulted. R/O met with Ms. Jones who advised she received a call from the moving company that was on scene ant the incident location because no one was answering the door. Ms. Jones advised when she arrived the key to the residence was in the front door, and the contents of Ms. Johnson's purse were on the ground. Ms. Jones opened the front door, and began calling for Ms. Johnson. She finally located Ms. Johnson in the back bedroom covered in blankets, and								
VICTIM SIGNATURE				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY L W ENFORCEMENT AGENCY
TYPE (GROUP)								TOTAL VALUE
STOLEN								
DAMAGED								
BURNED								
RECOVERED								
SEIZED								
FORGED								
UNKNOWN								
NONE								
SUBJECT IDENTIFIED ☒ YES ☐ NO				SUBJECT LOCATED ☐ YES ☒ NO				☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED
								☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER
								☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPT ONAL CLEARANCE				1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY				
REPORTING OFFICER (S)		DATE		UNIT NUMBER		APPROVING OFFICER		
BLAKE K		03/22/2008		933				
		03/22/2008				FOLLOW UP OFFICER		
						INVESTIGATION ☐ YES ☐ NO		



LE Report:

AGENCY I.D. SCO32000	LEXINGTON COUNTY SHERIFF'S DEPARTMENT INVESTIGATIVE REPORT		CASE NUMBER 08026476
☒ ORIGINAL REPORT	SUPPLEMENTAL REPORT	ADDITIONAL VICTIMS	ADDITIONAL STOLEN PROPERTY
Page 2 of 3 Pages			
STATUS CHANGE	ADDITIONAL OFFENSES	ADDITIONAL RECOVERED PROPERTY	

ORIGINAL COMPLAINANT OR VICTIM	
NAME:	DATE OF BIRTH:
STREET ADDRESS:	RACE:
CITY - STATE - ZIP:	SEX:
INCIDENT TYPE:	AGE:
ORIGINAL SUSPECT:	
NAME:	DATE OF BIRTH:
STREET ADDRESS:	RACE:
CITY - STATE - ZIP:	SEX:
	AGE:

RECOVERED PROPERTY DOLLAR AMOUNT: \$ _____

CANCEL NCIC ENTRY: YES NO

curled up in the fetal position. R/O observed Ms. Johnson to have a severely swollen face and neck. Ms. Jones advised the injuries to Ms. Johnson's face were so severe she did not recognize her long time neighbor. Ms. Johnson had trouble talking, but was able to advise Mr. Golston hit her multiple times in the face with his fists. She indicated the incident occurred sometime around midnight. R/O notes Ms. Jones found her in the bedroom at approx. 0900 hrs. At one point she indicated Mr. Golston had a hatchet and tapped her on the arms to "let her know he had it". R/O did not observe any injuries on the Victim's arms resulting from the use of the hatchet. Ms. Johnson advised at one point during the assault she tried to get away by running outside. She tried to leave with her purse, but was tackled in the front yard. She was believes she was struck with a piece of wood once outside, but was unsure what type of wood it was. R/O located a wooded log approx. 18" in length and 3" in diameter under a chair on the front porch. The log was not on the neatly stacked pile on the front porch. Embedded in the bark of the log was a single strand of gray hair. The strand of hair was similar to that of the synthetic hair Ms. Johnson had woven in to her own hair. R/O collected the log, after using latent finger print lift tape to secure the hair to the log, and entered it in to the ID Section of LCSD. Ms. Johnson advised she and Mr. Golston had been in a relationship for approx. five years. During their relationship he has been arrested for CDV, the most recent arrest was approx. one year prior to the latest incident. EMS Unit 2 responded to the scene and transported the Victim to Richland Memorial Hospital due to possible skull fractures and brain trauma. While on scene Ms. Johnson was complaining of being extremely cold. R/O notes she was wrapped in multiple blankets, and had a portable heater running in the bedroom set on 78 degrees. Photographs of Ms.

SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE	ARRESTED UNDER 18	EX-CLEAR UNDER 18
YES	NO	YES	NO	UNFOUNDED	ARRESTED 18 AND OVER	EX-CLEAR 18 AND OVER
CLOSED ADMINIST						
REASON FOR EXCEPTIONAL CLEARANCE 1 OFFENDER DEATH 2 NO PROSECUTION 3 VICTIM/WITNESS DECLINES COOPERATION 4 EXTRADITION DENIED 5 JUVENILE - NO ARREST						
REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
BLAKE K	03/22/2008	933				
REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
	03/22/2008					

LE Report:

AGENCY I.D. SCO32000	LEXINGTON COUNTY SHERIFF'S DEPARTMENT INVESTIGATIVE REPORT		CASE NUMBER 08026476
☒ ORIGINAL REPORT	SUPPLEMENTAL REPORT	ADDITIONAL VICTIMS	ADDITIONAL STOLEN PROPERTY
Page 3 of 3 Pages			
	STATUS CHANGE	ADDITIONAL OFFENDERS	ADDITIONAL RECOVERED PROPERTY

ORIGINAL COMPLAINANT	OR VICTIM	
NAME:	DATE OF BIRTH:	
STREET ADDRESS:	RACE:	SEX:
CITY - STATE - ZIP:	AGE:	
INCIDENT TYPE:		
ORIGINAL SUSPECT:		
NAME:	DATE OF BIRTH:	
STREET ADDRESS:	RACE:	SEX:
CITY - STATE - ZIP:	AGE:	

RECOVERED PROPERTY DOLLAR AMOUNT: \$ _____

CANCEL NCIC ENTRY: YES NO

Johnson's injuries were entered in to the ID Section at LCSD. R/O located four braided strands of the Victim's hair outside the residence. Three were on the front porch near the front door, and one was approx. 10 ft. from the front porch. Near the area in the yard where the braid of hair was located was a patch of ground that had been disturbed. The hair outside, and the disturbed ground, were all in line with Ms. Johnson's account of the incident. R/O photographed, and collected the braids of hair. The items were entered in to the ID Section at LCSD. CSI Ross, and VA Etheredge responded to the hospital to meet with the Victim. VA Etheredge obtained a written statement from MS. Johnson with regard to the incident. Major Crimes Sgt. Correll was advised of the incident by phone.

SUBJECT IDENTIFIED	SUBJECT LOCATED	ACTIVE	ARRESTED UNDER 18	EX-CLEAR UNDER 14
YES NO	YES NO	UNFOUNDED CLOSED ADMISS	ARRESTED 18 AND OVER	EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE 1 OFFENDER DEATH 2 NO PROSECUTION 3 VICTIM/WITNESS DECLINES COOPERATION 4 EXTRACTION DENIED 5 JUVENILE - NO ARREST				
REPORTING OFFICER BLAKE K	DATE 03/22/2008	UNIT NUMBER 933	APPROVING OFFICER	DATE
REPORTING OFFICER	DATE 03/22/2008	UNIT NUMBER	APPROVING OFFICER	DATE

LE Report:

580

User: SMITHB

LEXINGTON COUNTY SHERIFF'S DEPARTMENT

04/20/15 03:15:14

GOLSTON, BENNIE

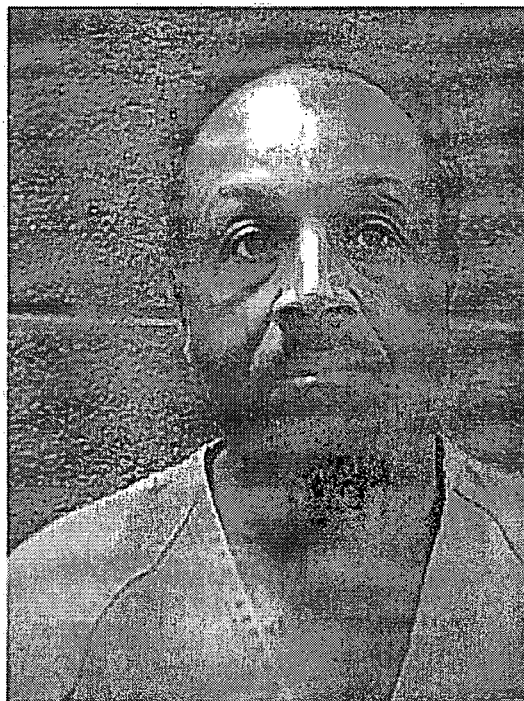


Photo Date: 03/22/08

GOLSTON, BENNIE (B.M)





Office of the Sheriff
LEXINGTON COUNTY
Bryan "Jay" Koon

May 4, 2015

Kristy G. Goldberg
Attorney at Law
1720 Main Street, Suite 303
Columbia, SC 29201

Re: FOIA Request
Bennie Golston v. State of South Carolina

Dear Ms. Goldberg:

Please accept this as our timely response to your Freedom of Information Act request. Enclosed, please find a color booking photograph of Bennie Golston from March 22, 2008 as provided by Steve Mason, Records Custodian. Certain information of a personal nature has been redacted and/or removed pursuant to S.C. Code Section 30-4-40(A)(2). I would ask that your office remit a check made payable to the Lexington County Sheriff's Department for five dollars (\$5.00) to cover the copying cost. Should further questions arise, please do not hesitate to contact me directly at 803.785.2427.

Best Regards,

A handwritten signature in cursive script that reads "Melissa Taylor".

Melissa Taylor
Paralegal

Enclosure



Lexington Co. Sheriff's Dept.
Booking Form
Run Date: 04/06/2008 - 10:29
ORI: SC0320000

Inmate Bio Information

Inmate: GOLSTON, BENNIE NMN
AGE:
SSN:
Resident Status: THIS JURISDICTION
Address:

Jail ID: 30139
DOB:
Booking No: 26187609
Citizen: Y
FBI#:



SC
License No: // SC/ S
No of Children: 1
Military:
Occupation UNEMPLOYED - BRICK MASON
Birth Place: LEXINGTON SOUTH CAROLINA
Employer:
Country/State: U.S.A. / SC
Potentially Dangerous: N

Marital Status: X
Phone: (
Church/Religion: NONE
Education: GRADE NINE
Housed at Unit: 2C08
Escape Risk: NO
Suicidal Risk: NO
ClassCode: MX

Inmate Physical Information

Sex: MALE
Skin: MEDIUM
Height: 5'09
Eyes: BROWN
Eyes: BROWN
Glasses: NONE
Build: MEDIUM

Race: BLACK
Ethnicity: NON HISPANIC
Facial Hair: MUSTACHE
Hair Style: SHORT-ABOVE EAR
Hair: BLACK
Weight: 200

Current Charges

Charge Code	Offense	Fel/Mis	ITN	Docket No Case No	Bond Amt
2988	DOMESTIC/CRIM DOM VIOL-HIGH & AGGR NATUR	M	08026476	J846375	\$100,000.00
Note: NO COURT DATE LISTED BOND COURT UPDATE DG		Dispo: SURETY/PROPERTY BOND			

Current Arrest Information

Arrest Date: 03/22/2008
Arrest Type: FULL BOOKING
Arresting Agency: LEXINGTON COUNTY SHERIFF'S DEPT
Armed I: 0
Armed II:
Drug Activity:
NO MULTIPLE CLEARANCE

Arrest Time: 19:30
Arresting Officer: GOULD
Arrest Situation: ON-VIEW ARREST
Weapon Type I:
Weapon Type II:
Drug Type:
Juvenile disposition:

Current Booking Information

Booking Date: 03/22/2008
Booking Officer: [E72476] Paula HARE
Search Officer: [E72476] Paula HARE
Warrant No.:
Civil Process: N
Resist: N
Physical Education: N
Release Date: ?
Outdate: 03/22/2008

Booking Time: 20:18
Warrant No.:
Local Check: Y
Alcohol: N
NCIC Check: Y
Total Bond: 100,000.00
Release Time: 00:00

Scars/Marks/Tattoos

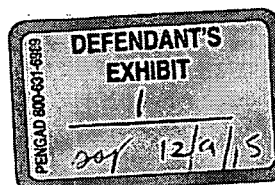
Type	Description
NONE	NONE

Alias Info

Type	Alias Information
Alias Name	GOLSTON, BEN

Next of Kin

Relation	Name	Age	Can Visit	Notif?	Address
BROTHER	GOLSTON, RAYMOND		N	Y	WEST COLUMBIA, SC



STATE OF SOUTH CAROLINA.) IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON) FOR THE ELEVENTH JUDICIAL CIRCUIT
Bennie Golston,)
2016 FEB -5 A 11:30) C.A. No. 2013-CP-32-4474
BETH A. CONRIGG)
CLERK OF COURT)
Applicant, LEXINGTON, SC)
v.)
State of South Carolina,)
Respondent.)

ORDER OF DISMISSAL

ORIGINAL

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed December 27, 2013. Respondent made its Return on or about June 13, 2014. An evidentiary hearing into the matter was convened on December 9, 2015, at the Lexington County Courthouse. Applicant was present and represented by Kristy Goldberg, Esquire. Respondent was represented by Patrick Schmeckpeper, Esquire, of the South Carolina Attorney General's Office.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's trial counsel, Matthew C. Buchanan, Esquire, also testified. This Court had before it a copy of Applicant's trial transcript, the records of the Lexington County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, appellate records, and the pleadings. The Court finds as follows:

PROCEDURAL HISTORY

Applicant is no longer confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Lexington County.¹ Applicant was

¹ Applicant was released from the South Carolina Department of Corrections' custody on August 1, 2013.

indicted at the May 2009 term of the Lexington County Grand Jury for Criminal Domestic Violence of a High and Aggravated Nature (2009-GS-32-5027). Applicant was represented by David M. Mauldin and Matthew C. Buchanan, Esquires. Applicant proceeded to trial before the Honorable R. Knox McMahon on May 13-14, 2009. The jury found Applicant guilty as indicted. Judge McMahon sentenced Applicant to ten (10) years confinement.

Applicant filed a timely notice of appeal. Assistant Appellate Defender LaNelle C. DuRant of the South Carolina Commission on Indigent Defense represented Applicant on his appeal. Applicant, through counsel, filed an Initial Brief of Appellant on April 26, 2010. The State filed its Initial Brief of Respondent on November 10, 2010. A Final Brief of Appellant was submitted on June 17, 2011. The South Carolina Court of Appeals heard arguments on May 13, 2012. Applicant's conviction and sentence were affirmed by the South Carolina Court of Appeals. State v. Golston, 399 S.C. 393, 732 S.E.2d 175 (2012). Applicant then filed a Petition for Rehearing on June 19, 2012 which was denied on September 13, 2012. Applicant then filed a Petition for Writ of Certiorari on December 13, 2012. The State filed its return on December 31, 2012. The South Carolina Supreme Court denied the petition on December 5, 2013. The remittitur was issued on December 11, 2013.

Allegations

In his application for post-conviction relief, Applicant alleged that he was being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.

Applicant was subsequently appointed counsel, Kristy Goldberg, Esquire, who filed an amended application on April 13, 2015, raising the following allegations:

1. Ineffective assistance of counsel, in that:
-

- a. Trial counsel failed to object or request a directed verdict when the State failed to offer the victim's medical records as evidence to prove the victim's injuries;
- b. Trial counsel failed to object when the Emergency Room (ER) Nurse testified;
- c. Trial counsel failed to offer evidence of Applicant's booking photo and victim's medical records for the jury to review;
- d. Trial counsel failed to sufficiently argue that the Defendant and Victim were not living together at the time of the alleged incident.

On October 1, 2015, Applicant filed, through counsel, a second amended application raising the following additional allegations:

- 2. Ineffective assistance of counsel, in that:
 - a. Trial counsel failed to object or request a directed verdict when the State failed to offer the victim's medical records as evidence to prove the victim's injuries;
 - b. Trial counsel failed to object when the Emergency Room (ER) Nurse testified;
 - c. Trial counsel failed to offer evidence of Applicant's booking photo and victim's medical records for the jury to review;
 - d. Trial counsel failed to address the fact that the deputy altered his incident report;
 - e. Trial counsel failed to sufficiently argue that the Defendant and Victim were not living together at the time of the alleged incident;
 - f. Trial counsel failed to request a mistrial when the Court determined that the State's witnesses may have committed perjury in their testimony (See pages 351-352 of trial transcript).

SUMMARY OF TESTIMONY

Applicant testified that he was arrested in Lexington County on March 22, 2008, for Criminal Domestic Violence of a High and Aggravated Nature (CDVHAN). He said he stayed in jail until his trial and was never out on bond. Applicant testified that Matthew Buchanan was his attorney at trial. He said they met together two to three times and that counsel did not go over discovery or police reports with him. Applicant stated that he always wanted to proceed to trial, but did not discuss that with counsel. He said counsel wanted him to plead guilty. Applicant testified that the state made a plea offer of two (2) years.

Applicant stated that counsel should have argued self-defense, that he and the victim never lived together and that the victim's injuries were not sufficiently substantial to warrant a CDVHAN² charge. Applicant said that he did not help counsel prepare for trial.

Applicant testified that counsel should have asked for dismissal because the victim's medical records were not introduced. He said the CT scan showed that the victim's face was swollen because of rotten teeth. Applicant also said that the state should have entered the medical records to show the injuries. Applicant said that the state offered testimony from an ER nurse and that counsel should have objected because her testimony was not the best evidence. He further complained that the nurse was not qualified to testify to the victim's eyes being shut.

Applicant said counsel should have entered the medical records to show that the victim did not have serious bodily injuries. Applicant also said counsel should have offered his booking photo into evidence. Applicant did not know if counsel ever received a copy of the booking photo and did not talk about it with him. He said that the picture shows scars on his face. He said he testified at trial that the victim scratched his face.

Applicant testified that the police officer lied in the police report when he said the injuries were from a wooden log and that the victim did not testify to being hit with a wooden log. Applicant did not, however, remember exactly what the victim testified to.

On cross-examination, Applicant stated he had never seen the victim's medical records and did not have a background in medicine. He repeated that he had never reviewed discovery with counsel. He said he wanted a trial. He admitted that he did receive a self-defense charge.

Counsel testified that he was a public defender in Lexington County between early 2006 and 2013. He currently serves as general counsel for the South Carolina Department of Probation, Parole and Pardon Services. He stated that there was a year between his appointment

² Applicant also seemed to imply that counsel should have argued for a lesser-included CDV offense.

as Applicant's attorney and the trial. Counsel testified that he met with Applicant several times, elaborating that it was substantially more than two or three times. Counsel said he would have updated Applicant throughout the negotiation process and for every plea offer. Counsel also stated that he would have reviewed all of Applicant's discovery with him. Counsel testified that he did not attempt to coerce Applicant into pleading guilty. He said he was not aware of any incident report being altered.

Concerning the victim, counsel said he saw photographs of her showing pronounced swelling around her eyes. Counsel said he was not sure, but might have had the victim's medical records prior to trial. Counsel said he did not believe an objection to the ER nurse's testimony would have been successful. He also testified some of the ER nurse's testimony was favorable to Applicant – specifically, that the victim suffered no broken bones. Counsel testified that he made the cohabitation issue a key part of Applicant's case at trial. He said he went to the incident location with investigators, called Applicant's family members as witnesses to testify that Applicant did not live with the victim and argued against cohabitation to the judge and the jury. He said it did not occur to him to move for a mistrial after the trial judge raised the possibility that two jurors may have given diametrically opposed testimony.

On cross-examination, counsel said he argued self-defense at the trial. He said Applicant testified at trial that the victim clawed him in the face. He said the State admitted a booking photograph to counter Applicant's self-defense claim. Counsel testified that the booking photo was in black and white on the booking report (State's Exhibit 26). He noted that the booking report said "none" under the section labeled "scars, marks, or tattoos." Counsel said he probably requested a color booking photo from the jail but never received one. Looking at the color photo presented at the PCR evidentiary hearing, counsel said there was some discoloration, and that he

could only speculate as to what the discoloration was, but that the picture may have helped at trial.

Counsel stated he could not recall why he did not object to the lack of medical records. He also did not remember why he did not offer them. Counsel stated that, in hindsight, the medical records may have helped. Counsel noted that the medical records mentioned the victim's statement outlining the assaults, which may have been a reason not to introduce them. He said that he did not think that there was anything in the medical records that differed from what was presented at trial. He said the testimony at trial centered around swelling. He stated the records all appeared to be from March 22, 2008, and that the notes from doctors said follow up was necessary because of the victim's swollen eyes.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, appellate records, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, the transcripts and documents from the prior proceedings, the post-conviction relief transcript, and the legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2015), this Court makes the following findings of fact based upon all of the probative evidence presented.

Ineffective Assistance of Counsel

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that

"counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Medical Records

This Court finds Applicant has failed to meet his burden with respect to the claim that counsel was ineffective for failing to request a directed verdict when the State failed to offer the victim's medical records as evidence to prove her injuries. The information contained in medical records presented at the evidentiary hearing is substantially similar to, and in fact corroborates, the testimony presented at trial. Specifically, page thirteen of the medical records packet presented by Applicant during the evidentiary hearing, which addresses the victim's medical

history and present illness, includes the fact that there were no fractures on any part of the victim's body. This is consistent with the testimony of the ER nurse on cross-examination, as well as the testimony of the victim. This Court therefore finds they would not have provided any benefit to Applicant and the fact that they were not introduced does not undermine confidence in the outcome of that proceeding.³

This Court also finds that there is no reasonable likelihood that a motion for directed verdict on the issue of the victim's injuries would have been successful. When ruling on a directed verdict, a trial court is concerned with the existence of evidence, not its weight. State v. Burdette, 335 S.C. 34, 46, 515 S.E.2d 525, 531 (1999). A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged. State v. Rosemond, 356 S.C. 426, 429, 589 S.E.2d 757, 758 (2003). At trial, the state presented testimony from the ER nurse, the victim, and the victim's son that described the extent of her injuries. Perhaps more importantly, on direct appeal the South Carolina Court of Appeals found, upon reviewing the evidence presented, that no jury could have found that these injuries were not serious. Because Applicant has failed to meet his burden with respect to this allegation, it is denied and dismissed.

Testimony from the Emergency Room Nurse

This Court finds Applicant has also failed to meet his burden with respect to the allegation that counsel was ineffective for failing to object to the ER nurse's testimony at trial. Counsel testified credibly that he did not believe any objections would have been successful. The ER nurse was present when the victim was admitted to the hospital. Tr. p. 228. She testified according to her personal recollection and from her personal notes. Tr. p. 228-29. Further, the ER nurse's testimony emphasized that the victim's injuries consisted primarily of

³ This Court also notes that the medical records were only for the date of March 22, 2008. Those records reflect that the victim was instructed to follow up on her medical treatment (specifically concerning her vision). Applicant has not presented any medical records from the victim's follow up appointments.

facial swelling and that she did not have any broken bones or fractures. Tr. p. 230. Counsel utilized this information in his closing argument. Tr. p. 320. Because Applicant has failed to show that counsel was ineffective with respect to this allegation, it is denied and dismissed.

Applicant's Booking Photograph

Applicant further alleges counsel was ineffective in failing to present a large, color version of his booking photograph at trial. This Court has had the opportunity to examine Applicant's booking photograph – both the larger, color printout presented at the evidentiary hearing and the smaller, black and white version from his comprehensive booking report – and finds Applicant has failed to meet his burden to show deficient performance and prejudice.

Counsel testified at the evidentiary hearing that he never got a color photograph. He said he probably looked, but was ultimately unable to find one. While a criminal defense attorney has a duty to investigate, "this duty is limited to *reasonable investigation*." Ard v. Catoe, 372 S.C. 318, 332, 642 S.E.2d 590, 597 (2007). When evaluating the reasonableness of counsel's conduct, "the court should keep in mind that counsel's function, as elaborated in prevailing professional norms, is to make the adversarial testing process work in the particular case." Strickland at 690, 104 S.Ct. 2052. At a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case. Ard v. Catoe at 332, 642 S.E.2d at 597.

This Court finds Applicant's failure to locate a larger, color-version of Applicant's booking photograph does not fall below the level of reasonableness under prevailing professional norms. In this case, counsel had access to the smaller, black and white version of the booking photograph. That photograph does not appear to show the presence of any marks or scars, and in fact the report that is attached indicates Applicant had no marks or scars at the time of arrest.

Accordingly, this Court finds Applicant has failed to meet his burden to show counsel's performance was deficient with respect to this allegation.

Applicant has also failed to show prejudice. While it may appear from the larger photograph that Applicant has some sort of facial lacerations, Applicant has failed to present any evidence that these marks are consistent with finger nail scratches. See, e.g., Lorenzen v. State, 376 S.C. 521, 530, 657 S.E.2d 771, 776-77 (2008) (speculation as to what evidence or testimony would have been not sufficient to show prejudice). He has also failed to present evidence to show when they were made in relation to the time the photograph was taken. Id. Applicant has not shown that the marks were actually on his face, rather than simply marks on the photograph. Such a consideration is relevant here, where – as stated above – Applicant's actual booking report is in the record and does not indicate that he had any scars, marks, or tattoos at the time the picture was taken. As a result, this Applicant has also failed to show any prejudice from his counsel's inability to locate a larger, color-version of his booking photograph. This allegation is therefore denied and dismissed.

Altered Incident Report

This Court finds that Applicant has failed to present any evidence in support of the allegation that a deputy altered his incident report. It is therefore denied and dismissed.

Cohabitation

Applicant has also failed to meet his burden to show counsel was ineffective for failing to sufficiently argue that the Applicant and victim were not living together at the time of the alleged incident. Counsel thoroughly investigated the issue and properly preserved the cohabitation argument for appellate review. See Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993) ([P]ost-conviction relief procedure is not a substitute for appeal or a place for asserting errors for

the first time which could have been reviewed on direct appeal.”). Counsel presented a witness who testified that Applicant lived in his own house. Tr. p. 281. Further, Applicant testified at trial that he had his own house, had lived there for a number of years, and only “spent the night sometimes” with the victim. Tr. p. 287-89. Counsel argued the lack of cohabitation to the judge and requested a directed verdict on that issue. Tr. p. 262-267. Counsel also brought this issue to the jury’s attention during his closing arguments. Tr. p. 322. In this context, counsel’s testimony that he made the cohabitation issue a key part of Applicant’s case at trial is entirely credible. This Court would note, however, that the victim testified that Applicant lived with her “[o]ff and on,” and had clothing, a toothbrush, shoes, and shirts at her house. Tr. p. 122-23. Additionally, the victim’s son – Tarik Johnson – testified that Applicant was living with the victim. Tr. p. 239. This issue was therefore appropriate for the jury. Because Applicant has failed to show either deficient performance or prejudice with regard to this allegation, it is denied and dismissed.

Perjury

Applicant has also failed to meet his burden to show deficient performance and prejudice with respect to his allegation that counsel was ineffective for failing to move for a mistrial when the Court determined that the State’s witnesses may have committed perjury in their testimony. After the jury began its deliberations, the trial court judge stated that the testimony of two witnesses – Tarik Johnson and Bambi Gray – may have been diametrically opposed. Tr. p. 351. He instructed the court reporter to provide a transcript so that he could investigate further. Reviewing the trial transcript, this Court finds that the testimony was not necessarily diametrically opposed. The testimony in question is in regards to whether Tarik Johnson, the victim’s son, “bust[ed] out any windows of [Applicant’s] house” at some point after the assault

took place, but before Applicant was arrested. Tr. p. 260. Mr. Johnson testified at trial that he did not. Id. Ms. Gray's testimony was equivocal, in that while she saw Mr. Johnson "[throw] something up at the window," she was unsure of what it was or whether or not what he threw actually broke any windows.⁴ Tr. p. 283; 285-86. This Court finds that while the trial court may have had a concern, he simply asked the court reporter to look into the matter. There was never any conclusion as to whether any witnesses had perjured themselves, nor has Applicant presented any evidence that would support such a conclusion. Regardless, the testimony of each witness was fully heard by the jury. Any inconsistent testimony was an issue of credibility to be resolved by the finder of fact. See e.g., State v. Wilson, 345 S.C. 1, 6, 545 S.E.2d 827, 830 (2001) (witness's credibility an issue for the jury's consideration). Because Applicant has failed to present any basis for counsel to have objected or moved for mistrial, this allegation is denied and dismissed.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

⁴ She also testified that storms had caused structural damage to the house.

CONCLUSION

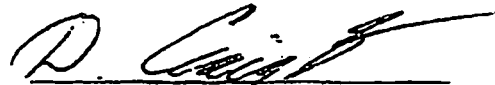
Based on the foregoing, this Court finds that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

IT IS THEREFORE ORDERED

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and

AND IT IS SO ORDERED this 1 day of Feb., 2016.


 D. CRAIG BROWN
 Presiding Judge
 Eleventh Judicial Circuit

Florne, South Carolina

FILED
 2016 FEB -5 A 11:30
 DEBRA A. CARRIGG
 CLERK OF COURT
 LEXINGTON, SC

WITNESSES

Lexington County Sheriffs Department

K. Blake

DOCKET NO. 2009-GS-32-05027

The State of South Carolina

County of Lexington

ARREST WARRANT NUMBER

J846375

COURT OF GENERAL SESSIONS

MAY TERM 2009

ACTION OF GRAND JURY

Bennie Golston

THE STATE
vs.

TRUE BILL

Foreperson of Grand Jury
Date: 5-12-09

VERDICT:

Guilt

CDR #: 2988

Indictment for

Criminal Domestic Violence High and
Aggravated Nature

§ 16-25-0065

Foreperson of Petit Jury

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Criminal Domestic Violence High and
Aggravated Nature

§ 16-25-0065

At a Court of General Sessions, convened on May 2009, the Grand Jurors of Lexington County present upon their oath:

That **Bennie Golston** did in Lexington County, South Carolina on or about March 22, 2008,

- (1) cause physical harm or injury to a family or household member, and/or
- (2) offer or attempt to cause physical harm or injury to a family or household member with apparent present ability under circumstances reasonably creating fear of imminent peril, namely Myrtle Johnson, by striking the victim an undetermined amount of times with closed fists and a wooden log approximately 18" in length and 3' in diameter and used a hatchet to rub on the victim's arms and threaten her, in violation of Section 16-25-65 of South Carolina 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.



ASSISTANT SOLICITOR