



PHOTOS BY TOM MURRAY tmurray@thesunnews.com

During his opening statement, attorney Morgan Martin (right) asks a crying Myles Ferguson to stand for the jury to see. "The evidence will show you this is a good man," Martin said.

Emotions run high in infant death trial

Attorneys open trial for Ohio man in Horry

By TONYA ROOT
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A 26-year-old Portsmouth, Ohio, man, on trial for the death of his child burst into tears when his attorney described him as a "good man" Tuesday during opening statements.

Myles Ferguson is charged with homicide by child abuse in the 2007 death of his 5-week-old daughter. The courtroom was filled to capacity with people who support him, while others wearing T-shirts and carrying signs supporting Ferguson lined the walkway outside the Horry County Government and Justice Center. They declined to comment.

"The evidence will show you this is a good man," Morgan Martin said during his opening statements. "She's [Ferguson's daughter] not a victim. There was no crime. She's a precious memory."

Martin told the jury of 11 women and three men, including two alternates, that Ferguson was alone with his daughter for about 30 minutes July 29, 2007, in a room at the Land's Inn Resort when she



During his opening statement, Martin, defense attorney for Ferguson, tells the jury that there were no injuries on 5-week-old Mylee Ferguson from her father slapping her chest to help her breathe. "It was not a violent attack on a child. The evidence will show he was attempting to save his child," Martin said.

stopped breathing. He said Ferguson, who is an electrician, tried to get to her breathe again before he ran to the hotel balcony and yelled for his wife, Ashley, a registered nurse.

The couple were with several family members for an annual beach vacation.

"Mylee was sick and nobody knew it. ... It is not a violent attack on a child," Martin said. "The evidence will show he was attempting to save his child."

Martin said prosecutors are misguid-

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ed in their attempts to criminally charge Ferguson, who reacted to his child not breathing.

He told jurors that medical evidence will show the baby had hemorrhages at birth and a brain hemorrhage found after the incident was the result of a medical condition and not shaken baby syndrome.

But Assistant Solicitor Candice Lively told jurors that the death of Mylee Grace Ferguson was no accident, but deliberate.

"It doesn't have to be a series of acts, it can be a one time event," Lively said. "There is

no reasonable explanation to shake a child that weighs 14 pounds."

Lively said medical testimony of fractures and injuries to Mylee will show Ferguson shook her while she was left in his care that day.

"He shook her, she stopped breathing and he panicked," Lively said. "She cannot tell us what happened, but the medical evidence will tell us what happened to her."

David Lemmel, a physician in the emergency room of Grand Strand Regional Medical Center, testified that Mylee was not breathing on her own when she arrived at the hospital and the parents didn't give any cause to him why she wasn't breathing. He said

there was no signs of choking, but laboratory results did indicate a possible infection in the baby.

Nancy Hilburn, an expert pediatric registered nurse who cared for the baby when she was flown from Grand Strand to the Medical University of South Carolina in Charleston testified the baby appeared to have seizure activity during the flight. She said she recalled Ashley Ferguson, the baby's mother, saying that they had seen such activity before and a physician who had examined Mylee told them to watch her.

Testimony resumes today.

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