

## Former inmate settles suit against Sumter County jail

by Phillip Bantz

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A jail in Sumter County and its insurers have agreed to pay \$425,000 to a former inmate who said nursing staff at the facility ignored her diabetic condition and left her locked up as her symptoms worsened and she neared death.

Nacole McCray alleged in a lawsuit filed at the Sumter County Court of Common Pleas that nurses at the Sumter-Lee Regional Detention Center should have sent her to the hospital after she complained of dizziness, disorientation and extreme thirst while she was being booked into jail.

Instead, McCray, who was being jailed on a cocaine possession charge and had a relatively lengthy history of incarceration, was placed in a holding cell after nurses assumed that her symptoms were the result of drug use, said one of her attorneys, Douglas E. Jennings of Yarborough Applegate in Charleston.



McCray was locked up at about 7:30 p.m. on Jan. 22, 2010, and she remained behind bars until early Jan. 24, when she began to bleed from her nose and vomit onto the floor of her cell, Jennings said.

He added that the nurses had checked McCray's blood sugar level and found it to be high but waited until it was at an extremely dangerous level, at least 600, which is where the glucose meter tops out, before they gave her insulin.

They also failed to take a urine sample from McCray, which Jennings argued would have raised another red flag about her condition. By the time she was hospitalized, she had lapsed into a potentially fatal state of diabetic ketoacidosis, he said.

McCray spent 48 days in the hospital and went through outpatient therapy afterward because her legs had atrophied while she was bedridden. McCray, who incurred more than \$208,000 in medical costs, now walks with a permanent limp and uses a cane, Jennings said.

James M. Davis Jr. of Davidson & Lindemann in Columbia defended Sumter County and Elliott T. Halio of Halio & Halio in Charleston represented the insurer of the jail's nursing staff, Southern Health Partners. They did not respond to interview requests.

According to Jennings, the county shifted blame to the jail's nurses, two of whom were fired in the aftermath of the incident, while Southern Health Partners argued that McCray's condition was caused by her drug use.

But after two mediation sessions, Southern Health Partners agreed in June to pay McCray \$350,000 and the county's insurance reserve fund kicked in another \$75,000.

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## SETTLEMENT REPORT: NEGLIGENCE – STANDARD OF CARE

**Case name:** *Nacole McCray v. Sumter-Lee Regional Detention Center, et al.*

**Court:** Sumter County Court of Common Pleas

**Date of settlement:** June 2013

**Amount:** \$425,000

**Special damages:** \$208,349 for past medical costs

**Mediator:** Thomas J. Wills IV (Charleston)

**Attorneys for plaintiff:** Douglas E. Jennings and David B. Yarborough Jr. (Charleston) and John D. Clark (Sumter)

**Attorneys for defendants:** James M. Davis Jr. (Columbia) and Elliott T. Halio (Charleston)