

local

Appeals court upholds former prisoner's malpractice award

By Ken Kobayashi

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The state appeals court has upheld a ruling that the state must pay nearly \$1 million to a Halawa prison inmate who claimed that the medical staff failed to properly treat an infection that left him infertile.

Gregory Slingluff had been awarded \$983,395 by a state judge after his nonjury

trial in 2009.

"I think it's a great ruling," Slingluff's attorney Rich Turbin said.

"It generally safeguards victims' rights when a doctor is negligent, like the prison doctors were in this case."

In an appeal in state court, two state-employed doctors contended they should be shielded from the malpractice claims because

they held a qualified immunity.

In the unanimous ruling Tuesday written by Appeals Judge Katherine Leonard, the three-judge panel of the Intermediate Court of Appeals held that the doctor's treatment of Slingluff in 2003 was medical and not protected by the immunity.

The appeals court also held that the trial judge, Victoria Marks, did not err in

finding the medical malpractice caused Slingluff's infertility.

SHE RULED THAT Slingluff wasn't given the proper dose of antibiotics and should have been seen by the medical staff earlier for a condition that caused his scrotum to swell to the size of a melon.

The judge said the delay in treatment fell below the

medical standard of care.

She also said the antibiotic should have been switched when it appeared it was not working.

The judge found that Slingluff's damages included six surgeries, the amputation of his scrotal sac, two months of hospitalization, and infertility.

Turbin said the infection would have been life-threatening if it had spread to his

internal organs.

"It was really cruel and unusual punishment for a prisoner or any citizen," Turbin said. "Any move caused him absolute sheer agony."

He said Slingluff was in prison for a drug conviction, but is now living on Hawaii island.

"As best he can, he's put this terrible situation behind him," Turbin said.