

**VOLUME II OF II**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

**Apr 15 2025**

**SC Court of Appeals**

Appeal from Colleton County  
Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LARRY E. KING,

APPELLANT

APPELLATE CASE NO. 2023-001445

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:**

**STATE’S EXHIBITS #1, #2, #3, #4 (PHOTOS); and  
STATE’S EXHIBIT #40 (VIDEO SURVEILLANCE)**

1 Q. All right.

2 MR. PHILLIPS: If you'all will pull it up  
3 to, what is it, 12:29.

4 MR. HIGHTOWER: Sure.

5 BY MR. PHILLIPS:

6 Q. Now, Mr. King, I understand you didn't  
7 come back outside --

8 A. Uh-huh.

9 Q. -- but Rita did?

10 A. Yes, sir.

11 Q. I'm not trying to excuse what happened,  
12 but Rita did come back outside?

13 A. Yes, sir.

14 Q. Rita came out of your house?

15 A. Yes, sir.

16 Q. Does Rita open the back door to check  
17 on her, or, excuse me, that's the next one.  
18 That's actually Rita sitting down in the front  
19 seat of the car. Now you see a time where there  
20 wasn't any motion.

21 MR. PHILLIPS: Do you want to go back?

22 Okay.

23 (Video being played for jury.)

24 BY MR. PHILLIPS:

25 Q. So 12:29 Rita comes out and sits in the

1 front seat of that car, and she doesn't,  
2 obviously, get out immediately, because the  
3 camera skips, because it's a motion sensor  
4 camera, so she stayed in the front seat of that  
5 car for a period of time. You don't know  
6 whether she cut on the car at that point, right?

7 A. No, sir, I don't.

8 Q. 'Cause she went out and checked on

9 CP

10 A. Yes, sir.

11 Q. All right, now she comes back, she's  
12 been out of the front seat, she opens the back  
13 door, she says something to CP Looks at  
14 the gages of the car, do you see her pausing and  
15 looking up front --

16 A. Yes, sir.

17 Q. So we have Rita sitting in the front  
18 seat for a period of time, and Rita getting out,  
19 and Rita opening the backseat, and then in the  
20 front looking at the gages, and walks back in.

21 A. Yes, sir.

22 Q. That's what the video shows?

23 A. Yes, sir.

24 Q. Again, I'm not -- this should have  
25 never happened.

1 A. Absolutely.

2 Q. Mistakes were made.

3 A. Yes, sir.

4 Q. You both should have done things  
5 differently?

6 A. Yes, sir.

7 Q. Now you told Officer Varnadoe that Rita  
8 loved her to death.

9 A. She did.

10 Q. Is that true?

11 A. It is.

12 Q. Is that your hand on the Bible to God  
13 that she loved her daughter?

14 A. It is.

15 Q. And that's your statement here today as  
16 it was then --

17 A. Yes, sir.

18 Q. -- on the scene to the police?

19 A. Yes, sir.

20 Q. You saw how she acted with her  
21 daughter?

22 A. Yes, sir.

23 Q. Would Rita have wanted CP to die  
24 in any way, shape or form?

25 A. Absolutely not.

1           Q. Now, there was a phone call made during  
2 this time and who did you call?

3           A. Stokes Lock and Key.

4           Q. Two different people. So, again, you  
5 had -- well, I guess that's where you called.

6           A. Yes, sir.

7           Q. You called Stokes Lock and Key?

8           A. Yes, sir.

9           Q. And what did -- how did that go?

10          A. The key fob wouldn't unlock and it  
11 wouldn't work, and I guess the batteries were  
12 weak, so he gave me instructions, and told me  
13 where the emergency key was, and told me what to  
14 do to get inside the car.

15          Q. Now, the jury saw yesterday you'all  
16 shaking the car.

17          A. Yes.

18          Q. There hasn't been any explanation for  
19 that, because that seems strange. You found  
20 that out through --

21          A. I'm thinking so, yes, sir.

22          Q. Well --

23          A. I didn't remember really shaking the  
24 car, but my attorney had addressed that.

25          Q. It's in the --



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**REDIRECT EXAMINATION**

BY MR. LOY:

Q. I don't think I asked you this earlier.  
Are you and Rita in a relationship 'now?

A. No, sir.

Q. Have you been in a relationship since  
that day?

A. No, sir.

Q. Thank you.

MR. LOY: No more questions.

THE COURT: By the Solicitor?

MR. STONE: Thank you.

\*\*

**RE-CROSS-EXAMINATION BY MR. STONE**

BY MR. STONE:

Q. So first of all, you weren't out with  
Rita at 12:30, when she walks back out to the  
car were you?

A. No, sir.

Q. In fact, it doesn't even look like you  
were on the porch or anything, right?

A. That's right.

Q. You don't know what she did, correct?

A. Correct.

Q. So your opinion about the car being on

1 or off at this point, you don't know one way or  
2 the other, do you?

3 A. Actually, I don't.

4 Q. Your testimony is, the car was already  
5 on?

6 A. Yes, sir.

7 Q. Okay, and you're gonna stick with that,  
8 or are we changing now to Rita starting the car?

9 A. Rita did start the car.

10 Q. What now?

11 A. Rita did turn the car on, I didn't turn  
12 the car on.

13 Q. When did Rita turn the car off?

14 A. On.

15 Q. Oh, I'm sorry, Rita turned the car on.  
16 When did she do that?

17 A. To be honest, I'm not sure, so I mean  
18 when she tried to start --

19 Q. All right.

20 A. -- the car.

21 Q. You didn't go out here up to this  
22 point, so you don't know if the car is on at  
23 this point or not, one way or the other, right?

24 A. No, sir.

25 MR. STONE: All right, let me go to exactly

1 12:30:25, please.

2 BY MR. STONE:

3 Q. And is it fair to say, sir, that if  
4 she's turning the car on now, the child has  
5 still been in the car for at this point an hour  
6 and 15 minutes?

7 A. The car was running when I put the  
8 child in the car.

9 Q. Okay, okay. So that's not her turning  
10 the car on --

11 A. I --

12 Q. -- 'cause it's already on, right?

13 A. I don't know what Rita's doing right  
14 now, I wasn't outside.

15 Q. Right. Okay. Is it fair to say she's  
16 opening both doors at the same time?

17 MR. STONE: Go back to that, again, please,  
18 sir.

19 BY MR. STONE:

20 Q. Is it fair to say she's opening the  
21 front door? Sir?

22 A. Yes, sir.

23 Q. All right, this is the first time, I  
24 was talking about the second one. Okay, it's  
25 12:30, she walks back to the car, is it fair to

1 say she's opening the front door --

2 A. Yes, sir.

3 Q. -- and the backdoor at the same time?

4 A. Yes, sir.

5 Q. I'm wondering why you would do that,  
6 unless you were airing out the car.

7 MR. LOY: Your Honor, I don't have any  
8 further questions. The Solicitor's asking --

9 MR. STONE: I'm sorry, I should have put  
10 that in the form of a question.

11 BY MR. STONE:

12 Q. Do you have any idea why somebody would  
13 open both doors at the same unless they were  
14 trying to air the car out?

15 MR. LOY: It calls for speculation, Your  
16 Honor.

17 MR. STONE: I'm asking --

18 THE COURT: What?

19 MR. LOY: I'm objecting, that it calls for  
20 speculation, and I'd ask for it to be stricken.

21 THE COURT: Objection is overruled.

22 MR. STONE: Thank you, Your Honor.

23 THE COURT: Anything further, Mr. Phillips?

24 MR. PHILLIPS: Just one question.

25

\*\*



1 THE COURT: Anything further?

2 MR. STONE: No, Your Honor, thank you.

3 MR. PHILLIPS: No, sir.

4 THE COURT: You may step down.

5 Call your next witness.

6 MR. LOY: Your Honor, the defense rests.

7 \*\*

8 **DEFENSE RESTS**

9 THE COURT: Okay. Per the defense King's  
10 case, Mr. Phillips, you may proceed.

11 MR. PHILLIPS: Thank you, Your Honor.

12 Ms. Pangalangan, we will call Robert  
13 Arabis.

14 THE COURT: Mr. Arabis.

15 \*\*\*

16 **ROBERT ARABIS,**

17 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

18 \*\*\*

19 BY MR. PHILLIPS:

20 Q. Mr. Arabis --

21 A. Yes, sir.

22 Q. -- if you could, please introduce  
23 yourself to the jury.

24 A. Hi, name is Robert Arabis.

25 Q. And where did you work?

1           A. I work at Stokes Lock. I am the owner  
2 of Stokes Lock and Key.

3           Q. How long have you owned and operated  
4 that business?

5           A. I've worked there for 38 years, and  
6 I've owned it for 36 years.

7           Q. And I would say from your training and  
8 experience with that many years, you know  
9 everything about unlocking vehicles?

10          A. Not everything, but a good bit, yes.

11          Q. You would consider yourself well-versed  
12 in unlocking not just homes and different locks,  
13 but vehicles?

14          A. Yes, sir.

15          Q. How many vehicles do you think you've  
16 been called to help unlock?

17          A. I've thought about that the other day,  
18 thousands, like, two or 3,000.

19          Q. And I notice when I come into town, I  
20 see Stokes Lock and Key, so I mean you're a  
21 staple here right local in the community; is  
22 that fair to say?

23          A. Yes, sir.

24          Q. And with serving the community total in  
25 your 36 years, again, do people call you to ask

1           you for help randomly as well kind of?

2           A.   Sometimes, like, advice help?

3           Q.   Yes.

4           A.   Yes.

5           Q.   And on August 5th of 2019 did you get a  
6 phone call?

7           A.   Yes.

8           Q.   Related to this case?

9           A.   Yes.

10          Q.   If you could, explain to the jury what  
11 happened.

12          A.   I got a phone call from a person that I  
13 knew named Larry King.  He sounded very  
14 frustrated and told me that he was trying to get  
15 into a car.

16          And I don't remember if at that time it was  
17 mentioned there's a child in the car, and I  
18 said, "Well, where are the keys?  Are they  
19 locked in the car?"  And he said, "No, I have  
20 it, but this isn't like a normal key."

21          So he probably told me the year, make,  
22 model, it comes through on the computer to make  
23 sure I knew exactly what I was working with over  
24 the phone.  And I realized it was a push to  
25 start vehicle, and that inside what I call a

1 transmitter, it's not really a key, there is an  
2 emergency key in there.

3 Sometimes you press the little button with  
4 your fingernail or a pen, or you slide  
5 something, depending on the year, make and  
6 model, you pull this emergency key out. Now, it  
7 usually goes only into the driver's door lock,  
8 but sometimes that driver's door lock is not  
9 visible.

10 It's where the handle would be and there's  
11 a cover, where your cylinder would normally be,  
12 and that cover has to -- you actually take the  
13 blade of the key underneath it and pop that  
14 little cover off, and stick the key in, and  
15 that's how you unlock the door.

16 Q. And so you explained that process to  
17 him?

18 A. Well, again, he sounded very  
19 frustrated, and I could hear him like -- how do  
20 I describe this? Like trying to -- I don't know  
21 if he was kicking the car, or if he had been  
22 working with a coat hanger, or something like  
23 that, but he was very frustrated, and said, "You  
24 don't understand, this car doesn't take a key."

25 And I said, "No, I do understand." And he

1 mentioned something about somebody going to get  
2 another transmitter. And I said that's not  
3 necessary. The transmitter you have use it.

4 So once he got the key out, I told him,  
5 "Although there's no keyhole on the driver's  
6 door handle, you've got to come up underneath,  
7 pry the cap off that conceals it," it must have  
8 been a higher-end vehicle, "and then just turn  
9 the key." So we're doing all this, and it's  
10 happening pretty rapidly, and we get --

11 Q. To the best of your ability, take your  
12 time.

13 A. Uh-huh. So after the conversation with  
14 him, I never really heard another voice, and I  
15 hear voices when I'm talking to Larry in the  
16 background, and he had to have gotten in the  
17 car.

18 He described like pick up a brick and throw  
19 it through the window. Again, he didn't sound  
20 like the Larry King that I knew, this is  
21 something different. He was very frustrated.

22 And I heard they obviously got in the car,  
23 and there was obviously a female there, because  
24 I heard, and this was how the phone call pretty  
25 much ended, I heard a female say, "Larry --

1 MR. STONE: I object, Your Honor, I think  
2 that's hearsay.

3 BY WITNESS:

4 A. So don't --

5 Q. He's objecting.

6 A. Okay, so after I -- okay, then the  
7 phone made a sound as if it was dropped, and I  
8 heard just sounds in the background, including  
9 -- well, I can't -- you said I can't say that.

10 Q. But based on what you heard, what did  
11 you do then? Because I think at that point  
12 you --

13 A. The phone went clickety-click, as if it  
14 had landed somewhere, and then the phone call  
15 got disconnected.

16 Q. And at that point you believe there was  
17 definitely an emergency involved, based on what  
18 you heard?

19 A. I knew there was an emergency involved  
20 because of -- well, I'm not being allowed to say  
21 what I overheard on the conversation. So I said  
22 to a friend customer, who's a friend of mine  
23 outside of the business, and another customer,  
24 because I'm right there on the phone, "You're  
25 about to see more fire trucks, ambulances,

1 police cars then you've ever seen in your life  
2 come flying by here at maybe 90 miles an hour,  
3 any moment now."

4 And I would say within four to five minutes  
5 of that, every fire truck, EMS, police car  
6 weren't even doing 70, were doing like more than  
7 90. 'Cause it's 35 out there, you know when  
8 somebody's speeding.

9 And I said that again to this friend, and  
10 this customer, and a customer there, and they  
11 asked me, "What happened?" And I told them  
12 pretty much everything here, because one of them  
13 knew Larry.

14 Q. You knew something shocking had  
15 happened?

16 A. Oh, I'm certain, because of what --

17 Q. I understand.

18 A. Yes, sir.

19 MR. PHILLIPS: No further questions, Your  
20 Honor.

21 MR. STONE: I don't have any questions.

22 MR. LOY: Nothing, thanks for coming.

23 THE COURT: All right, thank you, sir.

24 WITNESS: Thank you.

25 THE COURT: Your next witness?

1 MR. PHILLIPS: Your Honor, defense calls  
2 Nancy Carter.

3 THE COURT: Nancy?

4 MR. PHILLIPS: Carter.

5 THE COURT: All right.

6 \*\*\*

7 NANCY CARTER,

8 BEING DULY SWORN TESTIFIED AS FOLLOWS:

9 \*\*

10 DIRECT EXAMINATION

11 BY MR. PHILLIPS:

12 Q. Hey, Ms. Carter.

13 A. Hello.

14 Q. If you could, give a little background  
15 about yourself, and then how you know Ms.  
16 Pangalangan.

17 A. Okay, I'm a retired educator. I've  
18 spent all my years in Colleton County. I  
19 started in 1976, was a classroom teacher, and  
20 then I became Administrator.

21 And in 1987 I became Principal of Black  
22 Street Elementary School, and during that time  
23 Ms. Pangalangan became a student teacher. And  
24 then she became -- I was able to hire her as a  
25 classroom teacher, and she was a first-grade

1 teacher. So all my experience has been in  
2 education.

3 Q. And how long did she teach?

4 A. Her student teaching was in the years  
5 '92 or '93, and we were together three years at  
6 Black Street. And then when they built  
7 Northside Elementary, I was transferred there as  
8 the Principal.

9 And then about half of the teachers at  
10 Black Street were transferred to Northside with  
11 me, and then some other teachers came, so we  
12 were there together for five years, so together  
13 about eight years we were coworkers.

14 Q. And so not only as coworkers, would you  
15 describe yourselves as friends?

16 A. Not personal friends, but professional  
17 friends.

18 Q. Okay, and as far as work and show she  
19 interacted day-to-day?

20 A. Correct.

21 Q. Okay, and how would you describe her as  
22 a coworker?

23 A. One word that comes to mind is  
24 passionate. She was very passionate about what  
25 she was doing. She was an excellent first grade

1 teacher. You knew that she loved what she was  
2 doing, that that was obvious.

3 It was one of those teachers, which  
4 sometimes you had to wonder when the door was  
5 closed, if they were continuing their job,  
6 that's not anything I had to worry about in her  
7 particular situation. She was always doing what  
8 she needed to be doing. I would consider her  
9 reliable, dependable, helpful.

10 There were times if we needed -- if other  
11 teachers needed help, or if I needed additional  
12 help, she would definitely jump in and help.  
13 One situation comes to mind, which I had a new  
14 art teacher, who could not always show up for  
15 bus duty on time in the morning, so Ms.  
16 Pangalangan would go down every morning and  
17 check to see if the teacher was there. If the  
18 teacher wasn't there, then she would take the  
19 place until the teacher arrived.

20 And then there was another situation about  
21 being helpful, in which the School District has  
22 required that we keep track of all our  
23 professional development, and any kind of  
24 activities like that that we have. And so at a  
25 faculty meeting at the end of the year, we were

1 talking about that, and I had a teacher raise  
2 her hand, and she did not have some of the  
3 information she needed.

4 Well, Ms. Pangalangan had everything  
5 written in detail, so everybody started writing  
6 down the details, so, you know, everybody was  
7 appreciative of her helpfulness then.

8 Q. Let me stop you there.

9 A. Okay.

10 Q. You knew CP [REDACTED] right? You knew how  
11 she had sometimes brought her to work, you had  
12 seen her interact?

13 A. CP [REDACTED] was born after I left  
14 Northside.

15 Q. But you stayed in contact?

16 A. We would run across each other every  
17 now and again, but my contact with Ms.  
18 Pangalangan and CP [REDACTED] actually appeared on  
19 Facebook. I would keep up with the things they  
20 were doing on Facebook, so I kind of kept up  
21 with CP [REDACTED] life and Ms. Pangalangan's life  
22 on Facebook.

23 Q. And you end up going, I think, to --  
24 you did -- your time of work at the School  
25 Board; is that right?

1           A. I officially or technically retired in  
2           2005, and then I went back to the School  
3           District and worked part-time until 2013.

4           Q. And --

5           A. I think that's when I turned 62, and I  
6           said that was it.

7           Q. And with that, you'all have stayed in  
8           touch randomly, you'all had conversations  
9           between them, enough so that when all this  
10          happened and she was arrested, you visited her  
11          right after she was arrested?

12          A. Yes, I did.

13          Q. Would you describe her as remorseful?

14          A. Yes, she was very upset.

15          Q. Genuine?

16          A. It appeared that way.

17          Q. But you felt so compelled in knowing  
18          her, that you still after all that time wanted  
19          to visit her to see how she was doing?

20          A. Yes.

21          Q. And you're here on her behalf, not to  
22          talk about anything that we're -- the specific  
23          allegations, but talk about her character?

24          A. Correct.

25          Q. And you would describe her character,

1 specifically -- I don't want to put words in  
2 your mouth. How would you describe her  
3 character?

4 A. I feel like she's very caring. When  
5 she was a classroom teacher with her children,  
6 she worked with them. She had children who were  
7 above average, average, below average, it didn't  
8 matter, she was able to work with them.  
9 Discipline problems, she was able to take care  
10 of those.

11 If somebody went over the top, she would  
12 bring them to the office for assistance from one  
13 of the Administrators, but from my recollection,  
14 that did not happen very often.

15 Q. Is there anything else from a character  
16 standpoint, or who she was, as far as you know  
17 her, that you would like to tell the jury about  
18 her?

19 A. Ms. Pangalangan, when we worked  
20 together she was a very caring person, a very  
21 honest person, and it was somebody I could count  
22 on whenever I needed anything.

23 Q. Thank you.

24 MR. PHILLIPS: No further questions.

25 THE COURT: By the State?

1 MR. STONE: Yes, sir.

2

3

4

**CROSS-EXAMINATION BY MR. STONE**

5

BY MR. STONE:

6

Q. Ms. Carter, just a few questions.

7

So this is how you would describe her when  
8 you worked with her; is that right?

9

A. Yes.

10

Q. And I'm trying to get my timeframe, so  
11 please correct me if I'm wrong.

12

A. Okay.

13

Q. You guys actually stopped working  
14 together in what year?

15

A. 2001.

16

Q. 2011?

17

A. I went to Northside, yes.

18

Q. Okay, so 2001. And then after that  
19 Facebook, but no direct contact, that type of  
20 thing, right?

21

A. We would maybe see each other  
22 occasionally somewhere, but not as far as  
23 coworking.

24

Q. Okay, so the coworking itself that  
25 you're talking about for 18 years were before

1           this happened?

2           A.    Correct.

3           Q.    Thank you.

4           A.    Correct.

5           Q.    Thank you, ma'am.  As far as your  
6           relationship, and even in that timeframe, you  
7           were professional friends and not personal  
8           friends; is that right?

9           A.    Correct.

10          Q.    I assume you didn't socialize very  
11          much, go out with her, or anything like that?

12          A.    No.

13          Q.    You never went on any kind of date?  
14          Were you around her when she was with Larry?

15          A.    No.

16          Q.    Okay.  Were you ever with her when she  
17          was with Larry?

18          A.    No.

19          Q.    Did you know Larry?

20          A.    No.

21          Q.    Okay.

22          MR. STONE:  No further questions.

23          THE COURT:  Mr. Loy?

24          MR. LOY:  Nothing, Your Honor, thank you.

25          THE COURT:  Mr. Phillips?

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**REDIRECT EXAMINATION**

BY MR. PHILLIPS:

Q. Even beyond your retirement, when she was a teacher, you also oversaw that as well?

A. I would run across her occasionally, but her supervisor was the Principal at that particular school.

Q. Right, but she wasn't a stranger to you. When you and I spoke, you certainly made it clear --

A. Yes, she was not a stranger to me.

Q. And you said that you had kept up with her, and you felt so compelled by the relationship you'all had, you went and saw her right after?

A. Yes. I -- and I don't remember whether I said this earlier, but CP was not one of her children that I knew; however, with Facebook I kept up with CP and Ms. Pangalangan's relationship on Facebook, because she would post pictures of CP in her house, or CP especially swimming, and they were just cute pictures of their relationship.

Q. How would you describe that relationship from the pictures I mean as you

1 just said?

2 A. It appeared to be a very caring  
3 relationship.

4 Q. All different kinds of things -- or  
5 Special Olympics.

6 A. I think I do remember pictures of  
7 Special Olympics, yes.

8 Q. And different places?

9 A. Yes.

10 Q. And stuff like that?

11 A. Yes, especially the swimming, those  
12 were just very cute.

13 MR. PHILLIPS: Thank you, Your Honor.

14 THE COURT: Anything further?

15 MR. STONE: No, sir.

16 THE COURT: Thank you, you may step down.

17 All right, so it's 11:59, that means we're going  
18 to stop for the day, and we're gonna want to  
19 start back at 9:00 a.m. Friday morning.

20 We'll be -- hopefully, everything will be  
21 fine, and we can get here at 9:00 a.m.

22 Is there anyone who cannot be here at 9:00  
23 a.m. on Friday morning? From Jackson -- is it  
24 Jacksonboro?

25 JUROR: I'll call.

1 THE COURT: Pardon?

2 JUROR: I'll call if I can't.

3 THE COURT: You'll call if you can't, all  
4 right. When are you gonna call?

5 JUROR: The night before.

6 THE COURT: The night before, very good.  
7 Well, thank you very much. We'll see you all at  
8 that time. Please do not discuss the case with  
9 anyone, while you're gone. Friday morning, 9  
10 o'clock.

11 (Jury exits the courtroom.)

12 THE COURT: We'll take just a couple of  
13 minutes to discuss jury charges, if you'all have  
14 anything?

15 MR. PHILLIPS: I can email mine.

16 THE COURT: All right. So tell me what's  
17 in your requested charges.

18 MR. PHILLIPS: On specific would be under  
19 the Watson case, that malice and reckless are  
20 not the same, but that extreme reckless  
21 disregard for human life is the proper statement  
22 of all, so I have that.

23 Also what I've discussed with Your Honor  
24 earlier was that for reasonable doubt, my  
25 personal preference Your Honor has charged that.

1           THE COURT: There's a charge with a  
2 combination of firmly convinced and hesitation.

3           MR. PHILLIPS: You did do both?

4           THE COURT: Yes.

5           MR. PHILLIPS: And so, some of them that I  
6 have are included are general ones that are  
7 probably already included in your standard  
8 charges. Always make sure to have them -- one  
9 second, Your Honor.

10          THE COURT: Even though you have not seen  
11 the wording of Mr. Phillips' requested charge,  
12 but is there a conflict in what he just said  
13 with?

14          MR. STONE: Your Honor, I don't think there  
15 is. I was kind of going through that in my  
16 head. I think, in fact, I think we could  
17 probably if we just add it to the State's  
18 request for charge are put in there as well.

19                I think it's the same thing. It's very  
20 interesting, but I think, basically, what he's  
21 saying is, the only change in language is the  
22 additional word of extreme recklessness; is that  
23 right?

24          THE COURT: He loves the word extreme.

25          MR. STONE: And I think that's consistent

1 with the request that I made. The specific  
2 language I have listed is malice and  
3 recklessness are not equivalent.

4 Extreme recklessness can lead to an  
5 inference of malice. And then giving the State  
6 malice may be inferred from an act so reckless  
7 as to manifest ill-will and disregard of human  
8 life.

9 THE COURT: All right, so you'all will look  
10 at each other's --

11 MR. STONE: Yes, sir.

12 THE COURT: -- tweaks, comments, whatever,  
13 and then we'll decide --

14 MR. STONE: Yes, sir.

15 THE COURT: -- in the end.

16 THE COURT: Yes, sir.

17 MR. PHILLIPS: Near suspicion, there's not  
18 enough to sustain a conviction.

19 THE COURT: Yes, sir. And you have all  
20 this written out in a requested charge?

21 MR. STONE: Yes, Your Honor. I'll email it  
22 to you. Of course, the other standard  
23 presumption of innocence, all the other  
24 standards.

25 And the only other matter that I have is,

1 as to State's request to charge two, there  
2 hasn't been a defense that I'm aware of. The  
3 State has requested a charge of voluntary  
4 intoxication but that does not constitute an  
5 offense or a crime. That has not been presented  
6 by the defense, and so this request, at this  
7 point, is not proper. The standard for jury  
8 instruction as any evidence, and I don't think  
9 there has been evidence that voluntary  
10 intoxication.

11 THE COURT: Yes, sir.

12 MR. STONE: Thank you, Your Honor. So  
13 certainly there's been testimony of voluntary  
14 intoxication, and I want to make sure,  
15 especially when we're talking about extreme  
16 recklessness and the other standards, about the  
17 mental state, which is really what this whole  
18 case is about.

19 That there's no confusion with the jury  
20 that, oh, well, he -- they were hyped up on  
21 meth, so that's an excuse. That's why I offered  
22 it, because I know the state-of-mind is the  
23 crucial instrument of this case, and there's  
24 clearly been testimony about voluntary  
25 intoxication.

1           In fact, that's why I actually used the one  
2           that said voluntary intoxication and the use of  
3           drugs, that's the reason that's in there.

4           So I think it is relevant. I do think it's  
5           important in this matter.

6           THE COURT: Mr. Loy?

7           MR. LOY: A mere presence charge.

8           THE COURT: Yeah, we -- yeah, there is a  
9           mere presence charge, that's --

10          MR. STONE: I'm requesting that.

11          THE COURT: Generally, yeah, it will be  
12          charged.

13          MR. LOY: Thank you.

14          THE COURT: Must be participating,  
15          basically.

16          MR. LOY: Thank you, Your Honor.

17          THE COURT: So this -- whether you call it  
18          a defense or not, but the defense is an  
19          acknowledgement mistakes were made, she'll have  
20          to pay a price, but it's not murder.

21          MR. LOY: That's right.

22          THE COURT: So is that a defense, when you  
23          say to the jury, "Well, we made some mistakes,  
24          we're not totally innocent, we are guilty, but  
25          we're not guilty of murder?"

1 MR. LOY: Voluntary intoxication is very  
2 specific. His charge of voluntary intoxication  
3 and use of drugs, does not constitute a defense.

4 We have not presented a defense of  
5 voluntary intoxication. Without there being any  
6 evidence, the defense of voluntary intoxication,  
7 this charge has been dropped.

8 THE COURT: Well, there is evidence of  
9 voluntary intoxication.

10 MR. STONE: A defense of voluntary  
11 intoxication. I've objected to every bit of the  
12 testimony and toxicology related to  
13 intoxication. That's been a thread throughout  
14 this whole trial, even pretrial.

15 THE COURT: Well, you've objected, but King  
16 has introduced evidence up to this point saying,  
17 "Well, I used crack all night, I hadn't slept in  
18 three days," not crack but meth.

19 MR. STONE: But they haven't raised a  
20 defense of --

21 THE COURT: All right.

22 MR. STONE: -- voluntary intoxication.

23 THE COURT: So the question is whether or  
24 not something has to be raised as a defense, in  
25 order for the Court to charge it?

1           MR. STONE: That would be one thing,  
2           because if Your Honor --

3           THE COURT: Well, that's the question.

4           MR. STONE: That's correct.

5           THE COURT: And both sides have to weigh in  
6           on that question.

7           MR. PHILLIPS: My position as far as --

8           THE COURT: But the Court can charge  
9           anything that is raised, based on the evidence,  
10          whether it's requested or not. Go ahead.

11          MR. PHILLIPS: My position is that we  
12          absolutely have to raise that defense for it to  
13          be in the jury charge.

14          THE COURT: Yeah, and I'm the same -- based  
15          -- give me some authority for your position.  
16          That it absolutely has to be raised as a  
17          defense.

18          MR. LOY: And there's certainly -- unless  
19          there's something, I don't believe there's any  
20          authority saying that I'm wrong.

21          THE COURT: Well, that's the question for  
22          you'all to muse on and think about.

23          MR. STONE: And I think the case actually  
24          handed up is actually -- it's a question that's  
25          raised on the appellate level, and -- concerning

1           whether or not they could have. I don't -- and  
2           I think it might even be part of the PCR. I'll  
3           research it, but I don't --

4           THE COURT: Yeah, of course we always over  
5           emphasize what the jury charge versus argument  
6           and --

7           MR. STONE: Yes, sir.

8           THE COURT: -- jurors get that and can  
9           decide the case based on the evidence.

10          MR. STONE: Under that theory, they also --  
11          the State hasn't raised the accusation of mere  
12          presence either, but I have acknowledged that  
13          that needs to be charged to the jury.

14          There's a lot of stuff that we don't  
15          necessarily raise as either part of the State's  
16          case, the case-in-chief, or the defense, and yet  
17          there's still a law that needs to be charged to  
18          the jury to clarify any issues.

19          So I still think that because of the  
20          particular nature of this case, and the mindset  
21          of these two Defendants, and an abundance, at  
22          this point, of testimony, concerning voluntary  
23          intoxication and the use of drugs, I think it's  
24          an appropriate charge.

25          THE COURT: Yes, sir?

1 MR. LOY: And, specifically, it's Your  
2 Honor's position --

3 THE COURT: I have no position.

4 MR. LOYD: Okay.

5 THE COURT: I'm posing questions.

6 MR. LOY: Thank you.

7 THE COURT: I'll have one when I make the  
8 decision.

9 MR. LOY: Perfect. And, eventually, if  
10 Your Honor rules that the co-Defendant, his  
11 testimony triggered this specific charge, that  
12 he presented that evidence, then we have  
13 potentially a direct conflict between the rights  
14 of one defendant and another, and I, at the  
15 appropriate time, just to give you a heads-up  
16 will move for a mistrial.

17 THE COURT: Yeah.

18 MR. PHILLIPS: And they would have been in  
19 there --

20 THE COURT: We haven't -- we're talking  
21 possible jury charges, you haven't finished your  
22 case yet.

23 MR. PHILLIPS: That's true.

24 THE COURT: Yeah, we haven't heard from  
25 your client. You indicate she's gonna testify.

1 I don't know what she's gonna say.

2 MR. PHILLIPS: That's fair.

3 THE COURT: All right, okay. All right,  
4 well, we have a day and-a-half almost --

5 MR. STONE: Yes, sir.

6 THE COURT: -- before being concerned about  
7 that, maybe two days.

8 MR. STONE: From what I'm understanding is  
9 the storm surge at my house, I'm not sure I have  
10 a day and-a-half, but I appreciate the optimism.  
11 I hope I have a day and-a-half.

12 THE COURT: Okay, well, hopefully, everyone  
13 will be safe, and we can reconvene at 9:00 a.m.

14 MR. LOY: Thank you, Your Honor.

15 MR. STONE: Thank you, Your Honor.

16 THE COURT: Right, thank you all.

17 (At 12:40 p.m. the proceedings were  
18 continued to Friday without interruption.)

19 \*\*

20 **END OF VOLUME III**

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**CERTIFICATE OF REPORTER**

\*\*\*

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14<sup>th</sup> Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 30th Day of August 2023.

I do further certify that I am not related, of counsel, or interest to any party hereto.

This, the 29th day of March 2024.

  
-----  
Kymberlee M. Williams, CSR/RPR

STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

IN GENERAL SESSIONS COURT  
FOR THE 14<sup>TH</sup> JUDICIAL CIRCUIT  
2019-GS-15-00780, -709  
2022-GS-15-00710

-----)  
State of South Carolina)  
)  
)  
Plaintiff, )  
vs. )  
Rita M. Pangalangan, )  
And Larry King. )  
Defendants. )

**TRANSCRIPT OF JURY TRIAL  
VOLUME IV  
(PAGES 637 - 811)**

September 1, 2023  
Walterboro, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge Presiding

Kymberlee M. Williams, CSR/RPR  
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PROCEEDINGS

FRIDAY, SEPTEMBER 1, 2024

BEAUFORT, SOUTH CAROLINA

\*\*\*

(The following proceedings were held in open court. All parties were present.)

\*\*

THE COURT: Any matters before we bring in the jury?

MR. STONE: Nothing for the State.

MR. PHILLIPS: No, Your Honor.

MR. LOY: No, Your Honor.

THE COURT: Bring in the jury.

(Jury enters courtroom.)

THE COURT: Good morning. Welcome back. Day Number 4. We are on the defense's case. You may proceed.

MR. PHILLIPS: The defense will call Jason Chapman.

JASON WALKER CHAPMAN,  
being first duly sworn testified as follows:

\* \* \*

DIRECT EXAMINATION

BY MR. PHILLIPS:

Q Officer Chapman. Good morning.

1           A     Good morning.  Again, my name is Captain  
2           Jason Walter Chapman.  Last name C-H-A-P-M-A-N.

3           Q     Officer Chapman, you testified previously  
4           to the jury -- well, on the first day of trial.  
5           Is that right?

6           A     Yes, sir.

7           Q     You were sworn under oath?

8           A     I was.

9           Q     You specifically under oath told the jury  
10          that you cannot get that vehicle to flash the  
11          park lights when the vehicle is running.  End of  
12          story.  That's your testimony in court.

13          A     . Cannot get the vehicle to flash the park  
14          lights when selecting "lock" or "unlock."  Those  
15          were my words.

16          Q     Okay.  I went and watched the video, so I  
17          know you don't say lock or unlock.  Quote, you  
18          cannot get the vehicle to flash the lights when  
19          the vehicle is running, end of story.

20          You said, we ran the test many times, quote, if  
21          the lights are flashing, it can't be from that  
22          key fob.  Those are your words.

23          A     If you say they are.  I know that during  
24          that testimony at some point in time, I was very  
25          specific about the fact that that's in regard to

1 lock or unlock.

2 Q All right. Well, let's go through that.

3 A Okay.

4 Q You all spent painful detail to show this,  
5 and I know that is part of the argument.

6 A Sure.

7 Q Go to 1645:33. To give kind of an overview  
8 on what we will see in the video, essentially,  
9 they will run through the video after you watch  
10 the full surveillance cam, that Night Owl DVR.

11 THE COURT: Mr. Phillips, are you posing a  
12 question?

13 MR. PHILLIPS: Yes, Your Honor.

14 THE COURT: You must pose it in a question.

15 MR. PHILLIPS: Yes, Your Honor. It's  
16 context form so they understand what I am  
17 asking.

18 THE COURT: Well, you must pose a question.

19 MR. PHILLIPS: Yes, Your Honor.

20 BY MR. PHILLIPS: This is 1645. Go ahead and  
21 play it. So whenever Solicitor Stone played  
22 this video for you, we are seeing both Rita and  
23 Larry trying to open the vehicle. They have the  
24 key fob.

25 As Rita comes around the vehicle, she has the

1 key fob, and she is hitting it towards the car,  
2 and you see that around 1645:33. Basically,  
3 nothing happens.

4 In other words, like you said that it won't  
5 flash when you are hitting unlock or lock.

6 A I didn't understand your question.

7 Q Right here. You see hitting the key fob?

8 A I see her holding the key fob in her hand,  
9 but I can't testify that she is pushing the  
10 buttons.

11 Fair enough.

12 A Thank you.

13 Q So she comes back. Again, you can see her.  
14 She is pointing it. The jury can make up their  
15 own mind. They can see her doing what she's  
16 doing. They will have the opportunity to  
17 stand --

18 THE COURT: Mr. Phillips, you must ask  
19 questions and not give commentary.

20 MR. PHILLIPS: Yes, Your Honor.

21 BY MR. PHILLIPS:

22 Q At 1646:08, Solicitor Stone asked you to go  
23 to 1646. That is when Rita hands Larry the key  
24 fob. He is hitting the key fob repeatedly.  
25 Your testimony was, quote, "Cannot get the

1 vehicle to flash the lights when the vehicle is  
2 running. End of story."

3 Then you say, "We have tested it many  
4 times, and I can't recreate it. If the lights  
5 are flashing, it can't be from that key fob."  
6 That's your testimony. Those are your words.

7 A If you are saying that that is exactly what  
8 I said without any of the context or post-  
9 comments, then so be it, but I stand by the fact  
10 that you cannot -- if the vehicle is running in  
11 direct relation with lock or unlock, you cannot  
12 get the vehicle to flash the lights.

13 Q So you will concede that it will flash  
14 while the vehicle is running.

15 A There are ways to make the lights flash  
16 with that key fob, but not in regard to pushing  
17 the lock or unlock buttons.

18 Q We are about to see it in a second. We  
19 will get there.

20 A Are you asking me if we are going to see  
21 it?

22 Q Yes, sir. I promise.

23 A Okay.

24 Q 1646:08. This is where you said, "look the  
25 lights are flashing." The lights won't flash if

1 the vehicle is running.

2 So the key fob gets handed to Larry. Larry  
3 is fooling around with the key fob and hitting  
4 all the buttons there or maybe they have not.  
5 They will fight with me on that.

6 There are the lights flashing. You are saying,  
7 there is no way those lights were flashing like  
8 that if the car is running.

9 A Right there is not the same point in time  
10 that Solicitor Stone and I discussed.

11 Q We will get to it.

12 A You can't ask me something and then run off  
13 on me. Do you want me to answer that question?

14 Q Go for it.

15 A All right. Right there (indicating), those  
16 lights are not flashing in response to pushing  
17 the lock or unlock buttons. They are flashing a  
18 response to pushing the panic button on the side  
19 of the key fob.

20 The difference is the style of flash and  
21 the pattern. The key fob -- when the panic  
22 button is pressed, it will flash regardless of  
23 whether the vehicle is running or not running,  
24 as long as the vehicle has power.

25 The difference is it is a very patterned,

1 systematic flash. No matter how many times you  
2 press that panic button, it will flash in this  
3 pattern. You can't hit it three times and get  
4 the start and stop again real quick. It will  
5 stop at the end of that pattern and pick up  
6 again at the next pattern.

7 What you saw there was 1, 2, 3. I can't  
8 remember if it's 3 and 3 or 4 and 4. Those are  
9 responses from the vehicle and the fob to the  
10 panic button being pushed, not the lock or  
11 unlock.

12 Q That's what you told this jury? I'm going  
13 to pull the video up of you testifying.

14 A No one asked me that question. We were  
15 talking in regards to lock and unlock. I  
16 encourage you to pull the video, because I am  
17 very confident about what I said.

18 Q Okay. The other time it flashes is when  
19 they pop off the handle when they are on with  
20 Stokes Lock and Key and manually turn it.

21 A There is another set of flashes between  
22 this set and when they actually get the door  
23 unlocked.

24 Q Your position is it's not the panic button.

25 A The series after this and prior to the

1 final set of flashes when the vehicle was  
2 unlocked. You can physically put the key in the  
3 lock. When you lock or unlock the vehicle, it  
4 will flash, but that is not in response to  
5 pushing the lock or unlock button. That is  
6 physically turning the key.

7 We know that by what they have stated and  
8 from what we see on the video that the only time  
9 the key was actually placed into the key on the  
10 door -- that is the only key location on that  
11 2012 Volkswagen. If you turn it left or right,  
12 yes, it will flash in correlation to lock or  
13 unlock.

14 The series after this and prior to that, my  
15 testimony was that that cannot be done with the  
16 key fob because it is not the same systematic  
17 patterned flash that the panic button shows.

18 Q Let's mark this as an exhibit.

19 MR. PHILLIPS: Your Honor, what I have  
20 marked is a flash drive. It appears to be  
21 Defendant's Exhibit 13.

22 BY MR. PHILLIPS:

23 Q You were there when these tests were  
24 conducted. That is what you testified to.

25 A That's correct.

1 Q And you-all made a video of those tests?  
2 A We did.  
3 Q (Video playing.)  
4 So you see how -- this right flash car light  
5 after. It's not on.  
6 A Agreed. The daytime running lights.  
7 Q It's out on this side, right?  
8 A It is.  
9 Q So this is the test you-all did on the  
10 video?  
11 A Yes.  
12 Q The vehicle is running?  
13 A Yes, it is.  
14 Q You see one light is out and one light is  
15 on. It appears to be a hard reset. It says 12  
16 a.m. on the clock.  
17 A Dead battery.  
18 Q That is what you just testified to. If you  
19 try to unlock or lock it, it won't flash while  
20 it's running.  
21 A That's correct. With the fob and not using  
22 the hard key.  
23 Q That's right. Let's make sure that  
24 everybody kind of understands.  
25 So while the car is running and you get the

1 key fob, lock or unlock it, it's not going to  
2 blink?

3 A That's correct.

4 Q Not going to flash. '

5 A That's correct.

6 Q When you hit the panic button, it will  
7 flash.

8 Q Yes, regardless of whether it's running or  
9 not.

10 Q When you turn it manually, it flashes.

11 A That's correct.

12 MR. PHILLIPS: Your Honor, at this time I  
13 would move to admit Defense Exhibit 13.

14 MR. THORNTON: Without objection, Judge.

15 THE COURT: It's admitted.

16 (Defendant's Exhibit 13 admitted into evidence.)

17 BY MR. PHILLIPS:

18 Q There is you, this is the testimony?

19 A Yes, sir.

20 Q We had that from, their statement and from  
21 the fact that they couldn't unlock the vehicle.  
22 We know that from their statement and the fact  
23 that -- he is pushing the key fob and the park  
24 lights are flashing indicating -- you can see  
25 the lights flashing here.

1           So obviously the key fob is working. The  
2           vehicle is receiving a signal from the key fob.  
3           I am not an expert, but I can tell you that I  
4           can replicate a standard. When we put that  
5           vehicle inside the process we did and we  
6           attempted to replicate that, you cannot get the  
7           vehicle to flash any park lights if the vehicle  
8           is running.

9           We also then contacted Volkswagen. We did  
10          it over and over and over again. If those  
11          lights were flashing from that key fob, the  
12          vehicle is not running. It can't be just the  
13          AC.

14         Q     A minute ago you just --

15         A     Do you want to go a little further?

16         Q     Sure.

17         A     Because I know what you are going to ask  
18          me. What I am am trying to explain to you is  
19          you are not showing the same video clip. In  
20          that clip that the Solicitor showed you that  
21          time is not the same one where we are seeing the  
22          pattern flash.

23         Yes, I see what you are asking me, but you  
24          are leaving out the pretext of this conversation  
25          and whatever else was said where I specifically

1 mentioned with regard to the lock and unlock.

2 MR. LOY: Objection. The witness has not  
3 been questioned. They know what he said.

4 THE COURT: The objection is sustained as  
5 to commentary. The lawyer needs to ask a  
6 question and give the witness an opportunity to  
7 respond to the question. It's not the time to  
8 do speeches in the middle of a question or a  
9 commentary in the middle of a question.

10 Proceed.

11 MR. PHILLIPS: Thank you, Your Honor.

12 BY MR. PHILLIPS:

13 Q Your quote -- and I understand you  
14 disagree with me. Your quote is you cannot get  
15 the vehicle to flash the park lights when the  
16 vehicle is running, end of story. Your Words.

17 A I can't argue that in that particular  
18 vehicle right there at that moment, yes.

19 Q Your words, if the lights are flashing, it  
20 can't be from that key fob.

21 A I will answer it again. Yes.

22 Q Thank you.

23 A You are welcome.

24 MR. PHILLIPS: No further questions.

25

1 THE COURT: Mr. Loy.

2 BY MR. LOY:

3 Q Captain, I don't have any questions for  
4 you.

5 A Thank you, sir.

6 THE COURT: For the State.

7 \*\*

8 CROSS-EXAMINATION

9 BY MR. THORNTON:

10 Q Captain Chapman, one of the things you said  
11 was that you've said on that clip -- well, first  
12 of all, was that the only time that you  
13 testified that day?

14 In other words, that clip, did that  
15 encompass all of your testimony.

16 A It is not. I think I was on the stand for  
17 six hours.

18 Q During that six hours of video and watching  
19 and testimony, just to clear this up for the  
20 jury, at some point did you specifically say --  
21 you did specifically say that that was with  
22 regard to lock and unlock.

23 A I did.

24 Q To clear up any confusion, that is what  
25 your testimony is today, correct?

1 A That's correct.

2 Q When you said, I couldn't replicate it, you  
3 are talking about the pattern, aren't you?

4 A Why I answered that question at that  
5 moment, it was in reference to the video that  
6 was being shown in that moment in which -- and  
7 you heard me discuss it that day where you had a  
8 quick flash, two flashes, followed by a separate  
9 single flash. That is what I referring to. I  
10 cannot replicate that, which is significant,  
11 that employs lock or unlock if the vehicle is  
12 running.

13 Q In other words, you can't replicate that  
14 pattern on a panic button.

15 A No, I cannot.

16 Q So let me ask you something else. The  
17 video that Mr. Phillips just introduced, were  
18 you present when that video was created?

19 A I was.

20 Q Was that video then turned over to my  
21 office?

22 A Immediately.

23 Q Did I, to your knowledge, turn that video  
24 over to Mr. Phillips?

25 A Immediately.

1 MR. THORNTON: Your Honor, Court's  
2 indulgence for just a second.

3 BY MR. THORNTON:

4 Q Captain Chapman, I am going to ask you to  
5 review this section of the video.

6 A (Video playing).

7 Q So are those the flashers, the later ones  
8 that you are referring to?

9 A The series that Mr. Phillips showed and  
10 then the series that were previously shown to me  
11 on Wednesday.

12 Q Just to be clear, it's your testimony that  
13 when you press the lock and unlock button --

14 MR. LOY: He is leading, Your Honor.

15 MR. THORNTON: Judge, I am on cross-  
16 examination. I am allowed to lead.

17 THE COURT: Continue.

18 BY MR. THORNTON:

19 Q Your testimony is that when you press the  
20 lock or unlock button, it will not light -- for  
21 lack of a better word -- park lights if the car  
22 is running?

23 A If the vehicle is running or if the  
24 accessory switch is turned on.

25 Q Your testimony is that based on all the

1 things that you just saw, that during that  
2 series of flashes, you could not replicate that  
3 pattern, that initial pattern, of the same  
4 flashes when you press the panic button?

5 A That's correct. The last ones we saw  
6 there, we can't replicate that pattern. We can  
7 replicate the pattern shown by Mr. Phillips or  
8 the beginning of that series where you see three  
9 and then it stops and then you see three.  
10 That is the standard flash pattern for pushing  
11 the panic button. The third or fourth volleys  
12 you see where you had the quick flash and a  
13 pause and a flash. That signifies unlock and  
14 locked.

15 Q Is that what you are talking about when  
16 testified. I think Mr. Phillips played this  
17 clip. You said you couldn't replicate. Are you  
18 talking about replicating that pattern with lock  
19 or unlock or replicate the pattern with the  
20 panic button?

21 A That's correct.

22 MR. THORNTON: I don't have any further  
23 questions.

24 THE COURT: Mr. Phillips.

25 MR. PHILLIPS: Thank you, Your Honor.

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REDIRECT EXAMINATION

BY MR. PHILLIPS:

Q The other night I asked you about that there is no report this case and notes. You said you had notes. They never gave me any notes. They said the video was the notes. You are testifying to all of this now about all this other stuff, but there is no documentation that has been provided to us to substantiate anything you have said.

A Are you asking me --

Q Did you give them the notes?

A I gave them the video. You asked me specifically on the stand that you ran through. Did you do a report? Did you write notes?

I said, yes. As a matter of fact, we did that three times because I had to say that I am going to keep answering the same question.

Q Yes.

A Then we got very specific. We said we videotaped it. You told me that you didn't have it. That is not on me. The video as we just explained was filmed. I was present. It was turned over to the Solicitor. As far as I know,

1           they immediately turned it over to you. That is  
2           my documentation.

3           Q     That is not the way it worked when I said,  
4           notes. Not a video. You all did that last  
5           Friday on August 18.

6           A     That was the final time that it was done.  
7           That was the time when we did the notes.

8           Q     Did you do handwritten notes?

9           A     I didn't do handwritten notes on the 18th.  
10          I did not.

11          Q     Did you do a report?

12          A     The video is the report.

13          MR. PHILLIPS: No further questions, Your  
14          Honor.

15          THE COURT: Anything further?

16          MR. THORNTON: Briefly, Your Honor.

17          MR. LOY: I don't have any questions.

18                   THE COURT: Proceed.

19                                   \*\*

20                                   REXCROSS-EXAMINATION

21          BY MR. THORNTON:

22          Q     When you got to the scene, was the air-  
23          conditioner on the car running? Was the car on?

24          A     The car was on. The air-conditioner was  
25          running, and the air-conditioner was cut on.

1 The ambient temperature inside the car was not  
2 cold.

3 Q The was running. The air-conditioner was  
4 blowing cold, but the car was hot.

5 A That's correct.

6 Q Like it just been turned on?

7 MR. PHILLIPS: Speculation.

8 MR. THORNTON: Withdrawn, Judge.

9 THE COURT: The jury is to disregard the  
10 comment. You may step down.

11 ELIZABETH CLYDE,

12 being first duly sworn testified as follows:

13 \* \* \*

14 DIRECT EXAMINATION

15 BY MR. PHILLIPS:

16 Q State your name again Elizabeth Clyde.

17 Q Tell the jury about yourself?

18 A I am a high school teacher in the Berkeley  
19 County School District, which is about 50  
20 minutes away from Walterboro.

21 I grew up here. I am happily married to my  
22 husband. Together we are pastors at our faith  
23 of church. We don't have kids yet.

24 Q What is your relationship with Rita?

25 A My mom.

1 Q How you are how old?

2 A I'm 31.

3 Q Tell us a little bit about your mother.

4 A Born and raised in Walterboro.' She raised  
5 me and my younger sister, so I was in the house  
6 for a very long time.

7 When we brought CP [REDACTED] home from the  
8 hospital, she was the miracle that we had been  
9 praying for.

10 It was very hard for my mom to get pregnant  
11 again after me. It was a little complicated. I  
12 stayed home, went to a local college. After I  
13 married, I kept a strong relationship with my  
14 mom. Coming home on the weekends or holidays we  
15 would go back and forth to see each other so I  
16 would hang out with her.

17 Q You were around CP [REDACTED] whole life.

18 A She was my special person.

19 Q You were around for CP [REDACTED] her whole  
20 life?

21 A Yes. I was .

22 Q What is the age difference.

23 A Thirteen, fourteen years.

24 Q Would you consider yourself part of a  
25 caregiver for her as an older sister?

1 A Yes. We had to plan a place when she got  
2 too old to care for CP we already had a  
3 plan in motion where I would take over.

4 Q Can you describe your relationship with  
5 CP

6 A Loving. CP never heard the word,  
7 No. Every single month or every single time we  
8 went out to eat, we lied and said it was her  
9 birthday because she loved being the center of  
10 attention. She loved music, so we always liked  
11 to get the happy birthday songs.

12 Q How would you describe your mother's  
13 parenting style?

14 A She was a great parent. She was the one I  
15 went to with all of our problems. She cared for  
16 us so much. Dad worked all the time. With her  
17 being a school teacher, we got to go to any of  
18 the sporting events she wanted to try, she  
19 always encouraged us for any sports and to try  
20 out new things.

21 Q What kind of special accommodations had  
22 your mother made for CP

23 A We always joked that CP was the calm  
24 one in the family.

25 We had to get bathroom widened. She was

1 getting so big and so heavy to pick up. We had  
2 to that special tub to slide in from the  
3 wheelchair into the tub, hardwood floors all  
4 throughout the house, so she could use her  
5 walker. She was getting finished for a new  
6 wheelchair.

7 Q How soon was she -- when this tragedy  
8 happened, how soon before was she fitted for  
9 that wheelchair.

10 A We were supposed to pick it up in a week or  
11 two right before school started. It was done a  
12 month or so prior. Custom fitted. Mom was  
13 saving up for a new van, because in ours the  
14 transmission just went out.

15 Q How would you describe your mom's care?

16 A She was my role model.

17 After I had got married, she would send  
18 care packages and coming back and forth to the  
19 house. She always made sure I had everything I  
20 needed. She is just so kind and caring and  
21 loving.

22 Q After you moved out, how often did you  
23 visit?

24 A Very often. Since it was only like a 45-  
25 minute drive. I would come home on the

1 weekends. She would also -- I would come home  
2 for church with her. And attend for Mother's  
3 day. Or if we had a special event at church,  
4 she would come to church with me.

5 Q Defendant's Exhibit 5. Elizabeth, what are  
6 you looking at?

7 A That's my mom my sister.

8 Q How would you describe what was going on in  
9 that picture?

10 A It was hard for us to get her to smile for  
11 a picture. She was not photogenic at all. I am  
12 sure it's my husband behind the camera doing a  
13 stupid dance or trying to get her to smile for  
14 the picture to be taken. She was mom 's whole  
15 world.

16 MR. PHILLIPS: Your Honor, at this time we  
17 would move Defense Exhibit 5 into evidence.

18 MR. THORNTON: I don't have any objection.

19 THE COURT: Do you have additional photos that  
20 you are going to propose.

21 MR. PHILLIPS: I have provided a flash  
22 drive.

23 THE COURT: I understand. Would you let  
24 them see all of them now.

25 MR. PHILLIPS: Yes, Your Honor.

1 MR. THORNTON: I don't have any objection,  
2 Your Honor.

3 THE COURT: Each of the photographs are  
4 admitted without objection.

5 Defendant's Exhibits 3 through 12.

6 (Defendant's Exhibits 3 - 12 admitted into  
7 evidence.)

8 THE COURT: You may proceed.

9 MR. PHILLIPS: Thank you, Your Honor. I  
10 will go through the pictures.

11 A This picture was at CP Special  
12 Olympics. Mom and her actually won the  
13 wheelchair race.

14 This was after church one Mother's Day.

15 This was taken at my in-laws in the back  
16 yard. We had just got done with family lunch.

17 This is when we went to the parade  
18 together.

19 Q How would you describe your mom's house?

20 Was it dirty?

21 A No. She was a clean freak.

22 Q Did she provide food for her sister?

23 A Yes.

24 Q Brittany was a former roommate of your  
25 mother. Did you know her?

1 A I knew her a little.

2 Q Could you describe how you know her.

3 A I know she rented a room with mom just for  
4 a small season.

5 I didn't have that much interaction with  
6 her. She didn't stay very long.

7 Q Why didn't she stay she very long?

8 A There was a lot of fighting. Mom quickly  
9 realized that it's very hard to find a good  
10 roommate to pay on time.

11 Q The main issue was that she wasn't paying  
12 her rent when she moved in. Do you know about  
13 that?

14 A Yes, sir.

15 Q Then they trashed the room when they were  
16 gone too. She had to fix damaged walls. I  
17 can't remember if there was hardwood or carpet  
18 on the floor.

19 Q She didn't just move in. Some people came  
20 with her?

21 A She was supposed to move in. She brought  
22 her friend, and that caused a lot of drama.

23 Q So just to make clear as far as your  
24 mother's house was it fit for CP

25 A Yes. We got the walker for her. Even

1           though they said it was cosmetic and they  
2           wouldn't pay for it, she did two different jobs  
3           to pay for it.

4           Q     Did your mother have a lot of support?

5           A     No. After the divorce and my dad left, the  
6           money left too. A lot of people went team dad.

7           Q     As far as you can describe your  
8           relationship with your mother, has that changed  
9           at all?

10          A     No.

11          Q     Leading up to this tragedy, was there any  
12          red flags, anything that was out of the  
13          ordinary?

14          A     No. Not at all. We were excited for  
15          Christine to start school.

16          Q     Would you have known your mother to leave  
17          Christine in the car?

18          A     No.

19          Q     You have never seen that?

20          A     No.

21          Q     Never heard of it?

22          A     No, sir.

23          Q     Final opportunity. Tell them you want them  
24          to know about your mother.

25          A     My mom loved CP so much. She was a

1 good mom.

2 MR. PHILLIPS: Thank you. No further  
3 questions, Your Honor.

4 THE COURT: Yes, sir.

5 MR. LOY: I have no questions for this  
6 witness.

7 THE COURT: From the State.

8 \*\*

9 CROSS-EXAMINATION

10 BY MR. STONE:

11 Q Do I call you Reverend?

12 A No, sir. Just Elizabeth.

13 Q Thank you for being here. I saw from the  
14 photographs that you have been out of the house  
15 since you were in high school?

16 A I went to college about 20.

17 Q You have been married for how long?

18 A Ten years.

19 Q You live where?

20 A I live in Summerville. 45 minute away.

21 Q I went through the photographs, and I did  
22 not see any pictures in the photographs of Larry  
23 King.

24 Did you spend any time with your mom when  
25 she was with Larry King?

1 A Yes, sir. We went to church together as  
2 well some.

3 Q Did you ever spend any time with your mom  
4 when she was doing meth?

5 A No. She didn't even drink alcohol.

6 Q So you didn't know she used meth?

7 A By use, what do you mean? I know her  
8 character. That was one of the main reasons why  
9 she and my dad got divorced because of drugs.  
10 She never used them. She likes her cigarettes,  
11 but she wouldn't touch alcohol at all.

12 Q The house that you talk about, your house  
13 was appropriate for CP [REDACTED] What about  
14 Larry's house?

15 A I never went to Larry's house.

16 Q You don't know where CP [REDACTED] slept or  
17 anything like that when she was at Larry's  
18 House.

19 A I would never ask those questions. It  
20 never came up in conversation.

21 Q As far as you know, you don't know what  
22 goes on in Larry's house when your mom was over  
23 there, and you don't know anything about her  
24 using meth?

25 A No, sir.

1 MR. STONE: Thank you, ma'am.

2 THE COURT: Mr. Phillips.

3 \*\*

4 REDIRECT EXAMINATION

5 BY MR. PHILLIPS:

6 Q Do you think your mother would do anything  
7 to kill Christine?

8 A No.

9 Q She loved her?

10 A Yes, sir.

11 Q You wouldn't be up here if you thought she  
12 intentionally did something?

13 A No. I stand by my mom.

14 THE COURT: Anything further.

15 MR. LOY: No, Your Honor.

16 THE COURT: Thank you, you may step down.

17 Ladies and gentlemen, we will take a break  
18 now. Please do not discuss the case.

19 (Recess).

20 \*\*

21 PROCEEDINGS CONTINUED

22 THE COURT: Mr. Phillips, who is your next  
23 witness?

24 MR. PHILLIPS: Defense rests, Your Honor.

25 THE COURT: We will take a few minutes to

1 discuss the jury charge. We will have you rest  
2 in the presence of the jury.

3 Does the State intend to offer any reply  
4 testimony?

5 MR. STONE: No, sir.

6 MR. PHILLIPS: Your Honor, for the record,  
7 I will renew all prior motions, the mistrial  
8 motion and all the pretrial motions.

9 THE COURT: Objections noted.

10 Any from Defendant King?

11 MR. LOY: Likewise, we would renew our  
12 previous motions.

13 THE COURT: Anything further?

14 MR. STONE: No, I think we have covered it.

15 THE COURT: The motions are denied.  
16 Any request for charges from the State?

17 MR. THORNTON: Your Honor, we had  
18 previously handed up State's request to charge,  
19 one as to malice. A second one as to voluntary  
20 intoxication.

21 If I can take a brief pause on that one.  
22 Your Honor had asked us to find case law one way  
23 or the other.

24 I would hand up State v. Todd, Supreme  
25 Court case from 1986. It's a shooting case

1 where there was evidence introduced that the  
2 defendant had consumed alcohol.

3 It's pretty much the exact same argument  
4 made in this case by Mr. Phillips. I think it  
5 was joined in by Mr. Loy on behalf of Larry  
6 King. We didn't raise that as a defense, so  
7 it's not a proper charge. What State v. Todd  
8 says that --

9 THE COURT: If you don't mind, give me a  
10 moment to look at it.

11 You may continue.

12 MR. THORNTON: Thank you, Your Honor.

13 As Your Honor saw, it's ON page 4 of four.  
14 On the last page, Todd, trial court erred on  
15 charging the jury on the law of voluntary  
16 intoxication because intoxication was not a  
17 defense.

18 The law to be charged is determined from  
19 the evidence presented at trial. Since there  
20 was some evidence that the defendant had been  
21 drinking prior to the shooting. Therefore,  
22 there was no error in charging the jury as to  
23 voluntary intoxication.

24 Your Honor, I would request the Court to  
25 consider this. Otherwise, there would be no

1 reason for that jury charge.

2 No lawyer is going to get up and argue that  
3 is a defense because it isn't a defense in South  
4 Carolina.

5 What we have to do is make sure the jury  
6 understands that as a matter of law so that they  
7 don't make an incorrect ruling.

8 I would respectfully as based on State v.  
9 Todd and the other reasons cited to respectfully  
10 deny the motion by defense counsel that that not  
11 be charged to the jury.

12 THE COURT: All right.

13 Mr. Phillips.

14 MR. PHILLIPS: Thank you, Your Honor. The  
15 charge in this case wasn't actually listed in  
16 the specific language, the Court does say they  
17 find no prejudicial error that the trial Court  
18 charged the jury on the law of voluntary  
19 intoxication.

20 THE COURT: Mr. Loy.

21 MR. LOY: I don't need to be heard.

22 THE COURT: I find that it's a proper  
23 charge given the evidence presented in the  
24 trial.

25 MR. THORNTON: Thank you, Your Honor. Your

1 Honor, we have two others that were State's 3,  
2 which was the law of conspiracy, State's 4,  
3 which is a combination of the defense's mere  
4 presence at the scene at the crime is not  
5 sufficient someone guilty.

6 It then goes into the law of the hand of  
7 one is the hand of all.

8 We would renew our request for Your Honor  
9 to charge those four.

10 THE COURT: For the defendant.

11 MR. LOY: As to the conspiracy, I think  
12 it's a correct statement of the law, Your Honor.

13 THE COURT: Mr. Phillips.

14 MR. PHILLIPS With the malice charge,  
15 specifically looking at it, again, I presented  
16 what I believe to be the proper malice charge.

17 THE COURT: So charge number 3 is  
18 conspiracy as requested.

19 THE COURT: I will charge the standard  
20 definition of malice.

21 Let's take a short recess.

22 (Recess.)

23 PROCEEDINGS CONTINUED

24 \*\*

25 THE COURT: You may bring in the jury.

1 (Jury enters courtroom)

2 Welcome back. You may call your next  
3 witness.

4 MR. PHILLIPS: Defense rests, Your Honor.

5 THE COURT: Ladies and gentlemen, you have  
6 heard the defense's case.

7 Any reply by the State?

8 MR. STONE: No, sir.

9 THE COURT: Ladies and gentlemen, you have  
10 now heard all of the testimony, and you have now  
11 received all of the evidence. It's now time for  
12 closing arguments. If you will give counsel  
13 your attention.

14 First by the State.

15 \*\*

16 CLOSING ARGUMENT BY MR. STONE

17 MR. STONE: May it please the Court.

18 THE COURT: Yes, sir.

19 MR. STONE: I am going to talk to you very  
20 briefly today about what we know, what evidence  
21 we have heard, what testimony you have heard,  
22 and what you have seen, from everything on the  
23 video to the chemical analysis, to the experts,  
24 to everything.

25 What I want to talk about right now is just

1           what know. We start with CP           CP  
2           was a child born with cerebral palsy. She could  
3           not walk. She couldn't grasp. She could not  
4           talk. But she show emotions. You can see the  
5           child can show emotions. That is going to be  
6           relevant in a few minutes to what I am talking  
7           about.

8           CP           was not like other girls. She  
9           was totally dependent, 100% on other people.  
10          She was dependent on somebody to take care of  
11          her. Somebody to give her food. Somebody to  
12          give her water. Somebody to keep her safe.

13          CP           was totally dependent on Rita to  
14          do all of those things, every day, every day,  
15          not just on Rita's good days. Not just on days  
16          when Rita is posing for photographs. Not just  
17          when Rita is sober.

18          Even on the days when Rita chooses to go  
19          hang out with Larry and get high on meth,

20          CP           was dependent on her then too.

21          She was wholly dependent on her then too,  
22          even whether when Rita was high. You heard  
23          testimony from defense witnesses. They came  
24          here today and told you what they knew.

25          One of them hadn't had much contact with

1 her for 18 years except for Facebook. Her  
2 daughter came in and said what a daughter should  
3 say; that she is a good mother. But neither one  
4 of them knew about the meth. Neither one of  
5 them.

6 We know on that day where none of those  
7 witnesses were. They didn't know what was going  
8 on. On that day. On that weekend. On that  
9 Friday, that Saturday, that Sunday and Monday.

10 We know that they were on a meth bender.  
11 We know it because we took their blood. You  
12 know it because you had a chemists, 1, 2, 3  
13 chemists come in and tell you that.

14 Methamphetamine in Rita's blood as well as  
15 Larry and well over the limit that would make  
16 them high. If you didn't for whatever reason  
17 think that isn't enough, Larry told you the same  
18 thing. He didn't want to, but he did. He  
19 hadn't slept in three days. He and Rita had  
20 been doing meth. She liked to put it in her  
21 coffee.

22 He didn't want to tell us that, but he did.  
23 We know that. That little girl was dependent on  
24 Rita to take care of her. To keep her safe.  
25 Rita was high. Neither her daughter knew about

1           that nor the other lady. But we know that  
2           beyond a shadow of a doubt.

3           What else do we know? We know that Larry  
4           had -- first of all, we know that in the middle  
5           of that bender, Rita and Larry get in Larry's  
6           truck and go get the child and bring her into  
7           that environment where they are getting high.

8           They go in and they stay the night. We now  
9           know that Larry had a security system. A very  
10          good one. A very sensitive one. The one that  
11          will pick up any type of motion going in and  
12          around the car, and we know because there is  
13          video testimony that there was motion at all  
14          around that car until 11:15.

15          At 11:15, the motion we saw were these two  
16          going to the car. What do we know? The car is  
17          not on. There so air-conditioning. Nobody has  
18          been near that car, unless the angle was that  
19          they parked the night before and left the car  
20          running with the air-condition on. Nobody said  
21          that.

22          Larry said, the car was running when I put  
23          the child in because Larry needed to say the car  
24          was running when he put the child in there and  
25          not because it was true.

1           You know because you could see it. The car  
2 wasn't on. There was no air-conditioning on.  
3 They left the child in that car for one hour and  
4 15 minutes, before there was any more motion,  
5 before there was any more interaction with that  
6 car.

7           We know because about 12:00 is when the  
8 heat starts spiking inside a car. We know that  
9 because we brought an expert, Dr. Grunstein, to  
10 come testify to you about what happens inside a  
11 car when it's that hot outside in August in  
12 South Carolina.

13           This spike starts right after 12:00. Until  
14 then, it's about the same as the car.  
15 You are talking about 80, 90 degrees to begin  
16 with. By the time they go back to the car at  
17 12:15 -- Larry doesn't go back to the car, but  
18 Rita does. We are already over here. The heat  
19 inside that car is now approaching 100 degrees.

20           Now we will go back to this. First of all,  
21 let's just stop here. If all they had done was  
22 put that child in a hot car in the middle of  
23 August and left that child there for an hour and  
24 15 minutes, in some way miraculously somebody  
25 had come by and gotten the child out, I submit

1 to you they still would have inflicted serious  
2 bodily injury on that child. The definition of  
3 seriously bodily injury is the likelihood it  
4 could cause serious impairment or death. I  
5 don't there is any question at all what the end  
6 result way.

7 If we stop there, you have that.

8 Did they do it together Absolutely. Even  
9 Larry testified to that. They did everything  
10 together. Put her in the car together, and you  
11 see that, and left her in the car to die. There  
12 is your conspiracy. That is not all we have.  
13 Unfortunately, it didn't stop there.

14 Unfortunately, the child was not able to speak  
15 from the people she depended on or anybody else.

16 So now we are at 12:30. The child is now  
17 in the car for an hour and 15 minutes. No air.  
18 No wind. Not even a cracked window.

19 Rita goes back to the car. She opened both  
20 doors. She looked inside the car.

21 Why did she open both cars doors. She can't  
22 scream. She can't talk. She can show emotion.  
23 You can see it in her face.

24 What did she look like when her mom was  
25 looking at her after being left in a hot car by

1 herself in 100% heat for an hour and 15 minutes.  
2 What did Rita see when she looked in the car?  
3 The child has to be going, help. That is not a  
4 happy face in this car after an hour and 15  
5 minutes in this heat in her car by herself. A  
6 child who is totally dependent on others. She  
7 is betting for help.

8 What does Rita do? She goes back inside  
9 with Larry.

10 Then the first time she and Larry put the  
11 child in the car and they go inside to make up,  
12 to have sex. While they were inside having sex,  
13 the child is out in the car.

14 She comes back out, looks at the child.  
15 The child at this point had to be begging. She  
16 closes the door and goes back inside to spend  
17 some more time with Larry. Which by the way is  
18 the last time anyone approaches that car to look  
19 after that girl until 3:00 in the afternoon.

20 They go back on the porch about an hour-  
21 and-a-half later. They don't actually walk out  
22 into the car. They didn't go see the car. They  
23 stood another hour and 15 minutes. They go back  
24 on the porch. They hang out on the porch, and  
25 now it's 2:02. Neither one of them approach the

1 car. The girl is still in there. What is going  
2 on inside that car now? Now it's 2:00.

3 Take a look at that temperature inside that  
4 car now. It's now reached that maximum  
5 temperature and it's well over 110, 115 degrees  
6 inside that car.

7 They come back out. Did they even check on  
8 her? No. What did they do? They hugged. They  
9 kissed and then they go back inside for another  
10 hour and 15 minutes.

11 The child is literally cooking to death in  
12 the car, and they go back inside. They stay for  
13 another hour and 15 minutes. This time Rita  
14 actually walks to the car. This is when she  
15 finds that the keys are locked in the car. Pay  
16 very close attention to this. Where does Rita  
17 walk when she walks out of the house. It's now  
18 3:00. The child has been in the car since  
19 11:15. The heat is now well over 118 degrees.

20 Where does Rita go? Did she go on the side  
21 that the child is on to check on her? Is she  
22 trying to get in the car and to drive? No.  
23 What is she doing? She is going to get her  
24 cigarettes. In the back seat of this car where  
25 they put this child at 11:15, there was a bag on

1 the back seat right beside the child. Inside  
2 that bag was this. A gun.

3 MR. LOY: Renew objection, 401, 403.

4 THE COURT: You may proceed.

5 MR. STONE: Not only was it a gun, but it  
6 was also a loaded gun.

7 Again, in a bag right beside this child.  
8 And right there also are the cigarettes. When  
9 she walks back to the car at 3:00 she is still  
10 not going to check on the child.

11 She is not even going to drive away. She is  
12 going to get some cigarettes. She finds that  
13 the car is locked. So what do they do?

14 The car is locked. The child has been in  
15 the car since 11:15. It is now 3:00 in the  
16 afternoon. Well over 118 degrees inside that  
17 car. It feels like 135. They have found that  
18 the keys are locked in the car. What did they  
19 do? Naturally, they break a window. No, they  
20 don't.

21 Rita says it's too expensive if I break a  
22 window.

23 MR. PHILLIPS: Objection. Hearsay

24 THE COURT: Overruled.

25 MR. STONE: Break the window? No. What do

1           they do? They hang out. They get on the swing  
2           and start swinging back and forth. It's now  
3           3:19, 19 minutes after they found that the child  
4           was locked in the car with the keys. 19 minutes  
5           after we know for a fact it's already 118  
6           degrees inside the car.

7           Is there any sense of urgency here? At any  
8           time point in time, are they going to say need  
9           to take care of this child? No. They are  
10          swinging.

11          Then what do they do? They eventually go  
12          to Larry's truck parked out back. Now what they  
13          are doing? It is now 39 minutes later at 3:39.  
14          They are still at the house and they are  
15          kissing. They are not taking care of the child.  
16          They are not even thinking about the child.  
17          They are thinking about themselves.

18          Let's go get a spare key. This is where  
19          the child is, and this is where Larry and Rita  
20          go. To go get a spare key, which is why they  
21          don't get back for 52 minutes. The child is  
22          locked in the car at 3:00 and they don't get  
23          back until 4:00. Any sense of urgency there?  
24          Any concern for the health and welfare of that  
25          child? Did the child even cross their minds?

1 No because they were high.

2 They were interested in each other and they  
3 were interested in kissing and hugging and  
4 spending time with each other. They were having  
5 sex. Even the doctor talked about increased  
6 libido as a result of being high on meth. You  
7 see it in all of these pictures, because that is  
8 what they are concerned about. Not an ounce of  
9 concern for that child. 52 minutes. Then when  
10 they get back, they arrive, 4:40.

11 When they get back to the house at 4:40,  
12 they are in Larry's truck. Thank goodness.  
13 They have got a key. They can come rescue this  
14 child now. When did they get out of the truck?  
15 They don't open the door until 4:44. They sit  
16 in the truck for four minutes talking and  
17 hanging out.

18 Again, no concern for the child whatsoever.  
19 They are just hanging out in the truck.  
20 Eventually, they get out and they approach the  
21 car. When they do, neither one of them are  
22 sober enough to even figure out how to unlock  
23 the car. Larry testified, I am pushing the  
24 unlock button, but it's not unlocking. The  
25 testimony that you heard from Captain Chapman

1 and even from Larry, push the button and the  
2 lights come on when I pushed the button but it's  
3 not unlocking.

4 What you know is when you see the emergency  
5 flasher, it's going flash, flash, but at the end  
6 when it goes blink blink, that is hitting the  
7 off and the unlock. The point is, you can't do  
8 that when the car is on. But we already knew  
9 that. You know how you know that? Because  
10 otherwise if you spend 5 hours in a car in South  
11 Carolina driving around with your air-  
12 conditioning on, we would all be dead.

13 Clearly, the air-conditioning wasn't on.  
14 They may have thought it was, but clearly the  
15 car wasn't on. The air-conditioning wasn't on.  
16 Why do we know that? Because the child cooked  
17 to death. That's why.

18 Also, something else. There is not one  
19 piece of testimony, not one person, not one came  
20 in her and said, they turned the car on. Larry  
21 said, it was already on when I put the child in  
22 there. We know that's not true.

23 Did Larry say he turned the car on? No.  
24 What did Larry say? I turned the car off. We  
25 will get to that in just a second. They get the

1 child. They pulled the child out of the car.  
2 What happens then?

3 By the way -- they haven't gotten the car  
4 out of the car yet. They can't figure out how  
5 to unlock it. It's now 4:47, and they are back  
6 to hugging again. That's not a distraught  
7 picture because they haven't pulled the child  
8 out of the car yet. They are still hugging and  
9 kissing. They still haven't focused on the  
10 child.

11 Eventually, they did get the child out of  
12 the car. What happens after that?

13 They pull the child out. State's 35. They  
14 pull the child out. Larry calls 911. What does  
15 Rita do? She leaves. When Hallie Godley gets  
16 there, Rita is nowhere to be found. She is  
17 inside the house. That is particularly relevant  
18 to what we will talk about in just a second.

19 He called 911 before the police get there.  
20 What does he say? I reached in and turned the  
21 car off. Why would you do that? Think about  
22 it. They just pulled a dead child out of the  
23 car, and he is calling 911. The police are on  
24 the way. Why does he reach in the car and turn  
25 it off? Didn't want to waste gas? What? Why

1 would you in any way, shape, or form stop what  
2 you are doing when there is a dead child on the  
3 ground to go reach in and turn the car off? He  
4 wouldn't. There is no reason for that.

5 But there is a really good reason to reach  
6 inside that car and turn it on. What you heard  
7 Captain Chapman say today is, when we got there,  
8 the car was running. The air-conditioner is  
9 working, just like it was working 3 days ago.  
10 There was no compression issue with that car.  
11 It works. The air was on and the car was  
12 running, but it wasn't cold inside.

13 The air-conditioning was blowing cold, but  
14 it wasn't cold inside that car. Why? Because  
15 Larry had just turned it on right before the  
16 police got there. Why? Because he knew they  
17 had just murdered that child. That's why.

18 What did Rita say when they finally got  
19 Rita out of the house and brought her out? What  
20 did she say?

21 Hallie Godley testified to this on Monday.  
22 The very first witness. She said, I brought  
23 Rita out and Rita said, we put the child in the  
24 car, I went inside to get cigarettes. I came  
25 back out and the car was locked. That was her

1 description of what happened. Even Rita didn't  
2 say the car was on with the air-conditioner  
3 running.

4 That would have been the very first thing  
5 out of her mouth if that was true. Instead, it  
6 was just a matter of seconds. I went inside to  
7 get cigarettes. I came back out and the car was  
8 locked. That was it. Rita didn't know they had  
9 the camera system. Thank goodness they did  
10 because we wouldn't have known any better. But  
11 we did know that she wasn't in the car for just  
12 a split second. The child was in the car for  
13 five hours and 42 minutes. That is an awful  
14 long time.

15 Everything I have told you so far you know.  
16 There is no issue about it. We know.

17 So we know what happened. The question  
18 before you now is, what do you call it? What is  
19 it? You know what it is. You have seen it.  
20 You have heard the testimony.

21 Putting that child in that car to begin  
22 with and leaving that child in the car, exposing  
23 that child to potential death was the infliction  
24 of injury to that child that rose to the level  
25 of danger of death.

1           The first charge, they did that early. The  
2           conspiracy, they did everything together. The  
3           rest of the four hours the child was in the car  
4           and the suffering that child had to endure as  
5           Dr. Batalis testified to you. You expect that  
6           105 degrees that people start dying. We have  
7           all had fevers. You know how bad you feel with  
8           100-degree fever or 101.

9           That child's temperature was 110. Dr.  
10          Batalis said, I will be honest with you, I think  
11          at 104 or 105 the brains stops working and the  
12          organs start shutting down. She vomited into  
13          her throat. She defecated in her diaper, and  
14          you see that in the crime scene pictures. Her  
15          whole body just stopped working. I will be  
16          honest with you,  
17          I wouldn't expect her to last more than an hour  
18          in those conditions. They put her in those  
19          conditions for five hours and 42 minutes.

20                 We know about the infliction of serious  
21          bodily injury. We know about the conspiracy.

22                 What do you call the child's death?

23                 Murder is the unlawful killing of another  
24          with malice. What does that mean?

25                 Unlawful killing of another, that's pretty

1 easy. What is malice? Two ways to show malice.  
2 One is express. If you walk up to somebody and  
3 said, I hate you. I'm going to kill you. I  
4 don't care if you live or die. You shoot them  
5 in the head. That is express malice.

6 This case is about implied malice. What is  
7 implied malice? Implied malice is that you can  
8 take your facts and circumstances of the case,  
9 what you have seen, what you have heard, what  
10 you know about this case.

11 That someone is so extremely reckless that  
12 they had a wanton disregard for human life.  
13 They may not even have direct, ill feelings  
14 toward that one individual, but their attitude,  
15 their actions. All of the things that they  
16 chose to do. All the way they chose to act all  
17 lead back to a conscious disregard for the lives  
18 of others. In this case the other person was  
19 CP a child totally dependent on them for  
20 safety.

21 The wickedness, the depravity, malicious.  
22 We know what malicious is. So I ask you as you  
23 go back and look at all of this, at one point in  
24 time in any of this did either one of these two  
25 people show an ounce of compassion or care or

1 concern for CP [REDACTED] life.

2 If they had walked up to her and shot her,  
3 she wouldn't have suffered the pain that she  
4 suffered in this case.

5 MR. PHILLIPS: Objection.

6 MR. LOY: Objection.

7 THE COURT: The objection is overruled.

8 MR. STONE: Thank you, Your Honor.

9 Five hours and 42 minutes of suffering.  
10 You see the blisters on her legs, the burn marks  
11 from her coming in contact with other parts of  
12 that car that also rose to the level of 118  
13 degrees or 135. She was burned externally and  
14 internally. What do you call it?

15 If you are sitting around talking to your  
16 family members and your friends and you are  
17 describing this situation to them, you may not  
18 talk in terms of legal anything.

19 I think a good way to describe this is  
20 torture. The child was tortured. Before Larry  
21 and Rita. After Larry and Rita. Not the Larry  
22 and Rita that these other people didn't know.  
23 Larry admitted they were high on meth. These  
24 bruises and these blisters that Dr. Batalis  
25 described is torture. You don't accidentally



1 of Mr. King. My remarks to you are addressed  
2 solely as it relates to Mr. King. Ms.  
3 Pangalangan has a really good attorney. He is a  
4 smart guy. He will address you soon as it  
5 relates to her. Again, understand I am not  
6 talking about the two of them. I am talking  
7 about Mr. King.

8 One of the things the Solicitor pointed out  
9 in his remark that I agree with is he said,  
10 well, this child was totally dependent on Rita.  
11 He said it over and over and it's because it's  
12 true. This is a child who was always going to  
13 be dependent on her mother. Her mother was  
14 responsible for her and her mother had to care  
15 for her and her mother may have well tried to do  
16 the best she could.

17 I'm not talking about her. I am talking  
18 about the child who was completely dependent on  
19 her. There is no evidence before you that Mr.  
20 King was this child's father, that Mr. King had  
21 adopted this child. That Mr. King and Ms. Rita  
22 were married and he was some sort of step-  
23 parent. He is dating her mom. It doesn't create  
24 some sort of legal bond. This child is in the  
25 care of her mother.

1 Ladies and gentlemen, when you return to  
2 the jury room and the judge has charged you on  
3 the law and instructed that you commence or  
4 begin your deliberations, it may be that if you  
5 all read Mr. King's indictments first, you will  
6 simply say looking at the law as the judge gives  
7 it to you. Larry is not guilty of murder. He  
8 is not guilty of any of these crimes alleged in  
9 this indictment. Larry didn't kill anybody. He  
10 didn't commit murder.

11 It may be at the outset you say, this never  
12 should have happened the way that it did, but  
13 Mr. King didn't kill anyone. If that's the  
14 case, whoever the foreperson is on the jury, you  
15 are fully entitled to write not guilty. Set  
16 those indictments aside and move on to other  
17 business.

18 But in the event that one or more of you  
19 feel like his circumstances merit further  
20 discussion room in your deliberations. I need  
21 to talk to you about a few more things.

22 First of all, the judge is going to tell  
23 you soon that every person charged with a crime  
24 is presumed innocent of any wrongdoing. It's an  
25 absolutely critical term of art. It means that

1 the defendant has absolutely nothing to prove  
2 during trial. You have a right to remain  
3 silent, and that right cannot be used against  
4 you if you choose to exercise it. It's because  
5 of the presumption of innocence. It doesn't  
6 mean we will wait and see, maybe, maybe not.

7 For the State to prevail to meet that  
8 burden, they have to prove every element of the  
9 crimes that are alleged within the indictment.  
10 They have to prove them beyond a reasonable  
11 doubt.

12 I will submit to you if Mr. King will come  
13 in and give his testimony and he is honest  
14 enough to give you that, then you can certainly  
15 find he is honest enough to give you the rest.  
16 If he will tell you the things that are bad for  
17 him, you can look at that and consider it.

18 The State has charged Mr. King with murder.  
19 It's the worst crime there is. Murder is not  
20 hard to define. Murder is the killing of a  
21 human being with malice aforethought. First of  
22 all, Larry didn't kill anybody.

23 The Solicitor said in his opening that Mr.  
24 King came out with the child and the door was  
25 open and throws the child in like some baggage

1           that he wants to be rid of. She was just  
2           baggage.

3           You didn't see that. What you saw is what  
4           is in evidence. Mr. King came out as he  
5           described, appropriately gently placed the child  
6           in the back seat of the car. That is all Larry  
7           did in this case. That is the sum total of what  
8           he did. He relinquished this child into the  
9           arms of her mother. He stepped away.

10          The Solicitor has to prove malice. First  
11          of all, he has to prove he killed her, which of  
12          course is nonsense. He made efforts to make  
13          sure she was safe and properly positioned in  
14          there.

15          He has to show when Larry did that, when he  
16          put that child in that car, he did it with  
17          malice. He killed her and he did it with  
18          malice.

19          What does malice mean? Malice is hate,  
20          ill-will or hostility towards another person.  
21          It is the intentional doing of a wrongful act  
22          without just case or excuse and with an intent  
23          to inflict an injury or under circumstance in  
24          which the law will infer evil intent. That is  
25          what malice is.

1           So before you can even consider whether or  
2           not Mr. King should be convicted or murder, you  
3           have to consider whether or not there is any  
4           evidence whatsoever that makes you believe he  
5           put that child in that car with hate and ill-  
6           will, hostility with the intention of doing a  
7           wrongful act. That is nonsense.

8           You all met Mr. King. You all had a chance  
9           to judge his credibility and to determine  
10          whether or not he is guilty based on everything  
11          that you heard and saw whether or not the State  
12          has proven beyond a reasonable doubt in your  
13          mind that when he put the child in the car, he  
14          did it with hate, ill-will and malice. And the  
15          reason is because that's the worst crime you can  
16          do.

17          He didn't kill anyone and there is no  
18          indication he had any malicious, ill-will, ill-  
19          intent to murder this child. That's what the  
20          State promised to prove. Ladies and gentlemen,  
21          in your jury room you will have the indictments.  
22          There are three indictments that Mr. King was  
23          called to answer to.

24          Murder, I have addressed that. Inflicting  
25          great bodily injury on a child. Conspiracy

1 charge. When you have those indictments in  
2 there, you are fully entitled to look at,  
3 examine, and see what you think about those  
4 documents. You may know that shortly after this  
5 child died, Mr. was indicted for murder.

6 As time went on and a trial is here, the  
7 rubber will meet the road and you put it to the  
8 test, somebody looked at that murder indictment  
9 and said he was guilty. Why are you coming  
10 around in the back end and trying to get a  
11 fallback position? You know why. There is no  
12 evidence of malice or conspiracy.

13 Mr. King placed the child in the car, and  
14 that point mom could do whatever she wants to  
15 do. That is not his child. He is not  
16 responsible for this child. He has no  
17 obligation from this child. He didn't hurt her.  
18 He didn't cause her to be hurt. As a matter of  
19 fact, he thought the engine was running, he  
20 thought the air-conditioner was running.

21 Her mother was there. There is no  
22 conspiracy. There is no evidence whatsoever  
23 that Mr. King ever attempted to commit a crime.

24 We would ask you to find Mr. King not  
25 guilty.

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**PROCEEDINGS CONTINUED**

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**FRIDAY, SEPTEMBER 1, 2023**

**WALTERBORO, SOUTH CAROLINA**

(The following proceedings were held in open court. All parties were present.)

BAILIFF: All rise. Please be seated.

THE COURT: If you'll bring the jury, if they're ready to come.

(Jury enters the courtroom.)

THE COURT: Mr. Phillips?

MR. PHILLIPS: Thank you, Your Honor.

**\*\***

**CLOSING ARGUMENT BY MR. PHILLIPS**

As a parent, this case is hard. I have three little children, and I know it's hard for you. I said it in opening, the raw emotion that you feel I'll put my cards on the table, it's anger. I can't watch the video and not yell, "Please break a window," it's anger, and I know you feel the same, and I told you that in opening.

This case is what it is from the video, but after reviewing what we have is the evidence, and the video itself, this case is a lot of

1 things, but it's not murder. When you separate  
2 that, my job is much easier than yours, I'm an  
3 advocate, and your job is harder.

4 You've taken a sworn oath before God to  
5 separate that, and it's hard. That's not  
6 something normal people have to do, but you have  
7 to separate emotion. You'll hear from the  
8 Judge, he'll instruct you on the law that  
9 passion, prejudice, hatred any of that stuff  
10 that comes up in this trial, those raw emotions,  
11 you've got to set that aside, and you have to  
12 base your verdict solely on the evidence as  
13 presented on that witness stand, been admitted,  
14 everything that we've seen, but when we do that  
15 it's not murder.

16 It's a lot of things, but it's not murder.  
17 You swore an oath and do not base your decision  
18 on emotion.

19 Now, I'll give you every right, because  
20 it's natural, it's human nature. In this  
21 courtroom right here you can be as angry as you  
22 want to be. You can be angry, and you can have  
23 those natural feelings, as we all know, it's  
24 natural.

25 However, I can't stress this enough, when

1           you cross the threshold of that door and walk in  
2           that jury room, you have a sworn oath that you  
3           are separating yourself from that. Your job is  
4           hard, but you took that oath, and you have an  
5           incredible responsibility, that when you cross  
6           that threshold, you have to separate that and  
7           apply just the law.

8           And, again, I'm not saying it's easy, it's  
9           not easy for you, but we've all seen it. And in  
10          this case, we've touched on a lot of different  
11          things, and we'll touch on that, but I just can  
12          stress it enough, I have to say it again, be  
13          angry now, have that emotion, but you can't let  
14          it cross that threshold to go in that jury room,  
15          you swore not to do that.

16          And if somebody in the jury room starts  
17          talking about that kind of stuff, or starts  
18          talking about TVs, and all this other stuff  
19          that's improper, I empower each of you to come  
20          tell the Judge, because that is not what's  
21          supposed to happen, that is not the law. We're  
22          gonna follow the law in this courthouse, and  
23          it's not easy, it's not easy, but that is the  
24          law and that is your sworn duty.

25          This extreme recklessness regard for human

1 life. The government has said, that's easy.  
2 Well, let's walk through that. Today I showed  
3 you on this Defense Exhibit 15 that's been  
4 admitted, they put an officer on that stand the  
5 first day, he was unequivocal that the lights  
6 and the flash of that car running. It turns out  
7 he was there, and it flashed.

8 He can come up with any explanation he  
9 wants, but the facts are the facts, and the  
10 video is the video, just like the video shows,  
11 and they've got to own this video just like  
12 we've got to own that video, they can't run from  
13 it.

14 And I want you to -- if you've got any  
15 questions about it, watch it for yourself, it's  
16 short, and it shows what he says and what was  
17 unequivocal, what they would argue if I didn't  
18 do that, they would have said there's no way  
19 that car was running.

20 And then you hear for the first time today  
21 from him, that the car was running when he got  
22 there. You didn't hear that from that first  
23 witness. You didn't hear that from him, until  
24 now when he's backtracking. They want that  
25 murder conviction so bad. They've got cameras,

1 this is their spotlight, they're gonna make the  
2 news, they're gonna send a message, right?  
3 That's not your job, your job is not to get  
4 caught in that. You leave that anger in this  
5 courtroom, and you decide this case on the law  
6 in that room.

7 Now, we see Rita go to the car at -- they  
8 said 12:59 -- I think it's 12:29, but, again,  
9 you have all the time in the world, and it's  
10 your show once you get the case. You can watch  
11 the video as many times as you want, you can go  
12 through any parts.

13 You're if really not sure what somebody  
14 said, Madam Court Reporter can pull it up for  
15 you. We're not running from the facts of this  
16 case, they are what they are. But Rita goes to  
17 that car, and there's only three scenarios, and  
18 they intentionally, I think, left this out, and  
19 I'll just say it.

20 They said, "Well, she opened the front door."  
21 Right before that, again, what does she do? She  
22 comes out, she opens the front door, she sits in  
23 that car. And we know she sits in the front  
24 door for a period of time, but the hammer skips,  
25 that means there wasn't motion. So we know she

1 sat in the front seat of the car. There's only  
2 three scenarios, she sat in the front seat for a  
3 period of time, and the car wasn't running, and  
4 she left the back door open.

5 If they both believed that car wasn't  
6 running, and the air conditioner wasn't on,  
7 they're like no, but the Solicitor conceded that  
8 they might have believed that the air  
9 conditioner was on, but we also got testimony  
10 today the car was running the day before, that's  
11 strange.

12 They then tried to flip it that Larry  
13 turned it off, or turned the car on right before  
14 then, and you heard this extra testimony from  
15 Investigator Chapman. We then watch the video,  
16 anybody who knows a push button start car,  
17 you've got to push in the brake to cut the car  
18 engine on. Guess what he doesn't do? He  
19 doesn't sit in that car and push it in, he  
20 leaned in. Why would they do that?

21 Also says Rita doesn't know they have a  
22 surveillance camera. Everything in evidence  
23 shows that in his bedroom where they stay for  
24 hours is what they contend, there's surveillance  
25 camera videos, this is their evidence. This is

1           what they brought, and he's switching it up in  
2           closing, and saying she doesn't know anything  
3           about it. Also their evidence, the surveillance  
4           camera itself sitting right behind the swing.  
5           Rita doesn't know there's a surveillance camera.  
6           That is the Solicitor's words. He's gonna have  
7           to own this. They want this conviction bad.  
8           They want you to be angry, that's not what  
9           you're gonna do, I know you're not. We chose  
10          you all for a reason, and you swore to do that  
11          and follow the law.

12                 The facts are the facts, they can't run  
13          from them. They tried to show that picture of  
14          the gun, the gun had nothing to do with this  
15          case. They truly believe it was a murder, based  
16          on the facts they presented. Why are they  
17          trying to show something? It shows the weakness  
18          in their case, they're just trying to get you  
19          more angry. What's the purpose of the gun?

20                 Now, my position is this, they knew they  
21          had a problem, and three years later they give  
22          the infliction of great bodily injury, because  
23          they knew they had a problem with proving  
24          murder, why not add that charge? This case is a  
25          lot of things, but it's not murder. They knew

1           that, and that's why they added that indictment.

2           Now, you'll hear, again, you'll hear that  
3           reasonable doubt is kind of defined in two ways,  
4           that you're firmly convinced of something, or  
5           it's something that causes you a hesitation to  
6           act. That's important because I'd like to  
7           describe it.

8           Defense lawyers have a hard time trying to  
9           always come up with a way to describe the legal  
10          definitions, but this is how I like to describe  
11          reasonable doubt. Consider a voting booth,  
12          based on what you -- going back to a jury room,  
13          you've got to make a decision, you've got two  
14          options, not guilty and guilty.

15          Under the law Rita is presumed innocent,  
16          that not guilty button is already pushed. Now,  
17          the State has to prove beyond a reasonable doubt  
18          all the elements, malice, this depraved heart,  
19          based on the evidence, that you don't have any  
20          hesitation to hit that guilty button. If you  
21          have any hesitation, you'll hear the Judge  
22          himself tell you, "If you have any hesitation,  
23          that's a reasonable doubt under the law." She's  
24          not guilty of murder.

25          If you're firmly convinced, no hesitation,

1           you're 100 percent sold, there's no doubt that  
2           they thought that car was running and A/C,  
3           that's a depraved heart, and we own that.  
4           Anybody who would do that, it is -- it's on its  
5           face. Now, here it's highly to your own  
6           opinion, don't be swayed necessarily by other  
7           jurors.

8           You're entitled to your own opinion. The  
9           law gives each one of you your own voice. Don't  
10          let other jurors bully you into a position that  
11          you don't feel comfortable with, stand firm.  
12          And I'm not saying one way or the other, but you  
13          stand firm in your convicted beliefs, that is  
14          what the law requires, and that's what you  
15          should do.

16          Again, you're a chosen jury, it's not  
17          random. You came here, that was random, but  
18          each one of you was chosen. I used ten strikes,  
19          I think they used eight strikes, we chose you  
20          for a reason. We chose you because we knew you  
21          could be fair and impartial, that you'd follow  
22          the law. It's an incredible responsibility that  
23          you have. It's not random, each one of you were  
24          chosen for a reason.

25          We've been sitting over there in the

1 corner, I had to look you in the eye. You heard  
2 from her daughter that she's a loving mother.  
3 That she was there for her family. And all this  
4 other stuff about dirty houses, all this stuff  
5 that they tried to say is the murderer in that  
6 video, they bring in all this other stuff, bed  
7 bugs, dirty house.

8 Her daughter, the one that's here, and one  
9 is a teacher, and one that's understanding, all  
10 the people here say exactly what we knew, that  
11 the lady -- that you saw how she acted, that she  
12 didn't pay rent, that she brought her boyfriend  
13 and kids in there, and was dirtying up the  
14 house, and she got kicked out, she had an axe to  
15 grand.

16 Well, why present all that, if this case  
17 isn't what it was supposed to be? The murder's  
18 on the video is what they're trying to say.  
19 They're trying to say it's open and shut, then  
20 why are they adding all this other stuff in  
21 there? This is real. This is no isolated case.  
22 This is no round table discussion. This is this  
23 woman's life, this woman's freedom. And I'm not  
24 saying that she did everything right, because  
25 God knows I already said she didn't. And you

1 can feel it, but you can't do it in there.  
2 You've been given, as I said, an incredible  
3 responsibility, one that almost nobody has. And  
4 you've heard the Judge tell you out of all the  
5 United States, and the State of South Carolina,  
6 you were chosen.

7 There's only three people I know that can  
8 judge another person, that awesome power of  
9 judging a person, that you, as jurors, the Judge  
10 in the black robe and the man upstairs. You've  
11 been given just an opportunity in your life, one  
12 that's the most difficult decision in your life.  
13 And I understand we've put you in this  
14 uncomfortable place, but it is an incredible  
15 responsibility.

16 You're sitting in judgment of another  
17 person. There are no do overs. When you wake  
18 up tomorrow, you have your breakfast or your  
19 coffee, and you think did I make the right  
20 decision? It's too late, there are no do overs.  
21 You can't wake up ten years from now, 30 years  
22 from now, 50 years from now, wondering, did I  
23 make the right decision? There are no do overs.  
24 If you have doubts, you have them now, you have  
25 them in that room, you can be confident in your



1 human life.

2 MR. PHILLIPS: Objection, Your Honor.

3 MR. STONE: It's not going to --

4 THE COURT: The objection's overruled.

5 MR. STONE: Thank you, Your Honor. It's  
6 not going to be the malice that they're trying  
7 to say has to exist, that they got together and  
8 said, "Let's deal with CP [REDACTED]"

9 The bottom of this, malice does not require  
10 ill-will towards an individual, what does it  
11 require? Actions and conduct so reckless as to  
12 show a disregard of human life. So the question  
13 you have her is, what did they do to show a  
14 disregard of human life?

15 And the answer is everything, everything.  
16 Do you want to know what's relevant about the  
17 loaded gun in the backseat? That's a disregard  
18 for human life.

19 As the defense and everybody in South  
20 Carolina knows, you put a child in a car that's  
21 in direct sunlight in August, and you live them  
22 there, they're gonna die, fry, that is a  
23 disregard for human life.

24 In fact, it would be even better and easier  
25 if you went through and tried to find a time, at

1           which time they actually showed you some regard  
2           for that child's human life, but you won't find  
3           any, because it's not there, it's not there.  
4           Larry's defense attorney came up here and  
5           basically said this, well, just like the  
6           Solicitor said, he may have thought the air  
7           conditioner was on, right? Because it was hot.

8           I don't know what he was thinking. I think  
9           if any of us watch this video, the one question  
10          that has to pop in your mind over and over and  
11          over again, what are you thinking?

12          What are you doing? You put this child in  
13          the car. You know it's not on, there's no air  
14          conditioning, you're in the middle of summer,  
15          you're in South Carolina, everybody knows you're  
16          not supposed to -- what are you doing? What are  
17          you thinking when you find the child locked in  
18          the car at 3 o'clock that afternoon, four hours  
19          later.

20          Let's not break the window, let's go find  
21          another key. What are you doing on the swings?  
22          What are you doing when you're going inside and  
23          having sex, and the child is still out in the  
24          car cooking? What are you doing? And there's  
25          no answer to that. You know? They're high.

1 And what the Judge is also gonna tell you is  
2 that voluntary intoxication, the voluntary use  
3 of drugs is not an offense in South Carolina to  
4 anything, to anything.

5 If they're high and if the air  
6 conditioner's on, so what, they're high. And by  
7 the way the disregard and safety of others, the  
8 disregard for human life to begin with, to go  
9 and get your child, and continue to get high.

10 And that while you're high. You can't find  
11 a single thing that shows they cared one ounce  
12 about that child. Did I say at the very  
13 beginning that that child was baggage? The  
14 child was baggage on that day. Did the  
15 witnesses take the witness stand and say, "She's  
16 been a good mother in the past," but no one knew  
17 about her meth use.

18 None of them knew how she acted when she  
19 was high on meth, none of them did. They didn't  
20 lie to you, they just didn't know, and they said  
21 they didn't know. Larry says, "Okay, I've got  
22 another defense, not my child." Never mind, he  
23 put the child in the car himself, he wants a  
24 pass because it's not his child, he's not  
25 responsible for the child, because he doesn't

1 have any regard for human life, this child or  
2 anybody else. Supposedly -- "If I saw something  
3 going on with the child, I'd do something about  
4 it." Would you?

5 What about 3 o'clock in the afternoon, the  
6 child's locked in the car? Break the window.  
7 That's Larry. They made a big deal about  
8 Brittney Huneycutt. What did Brittney Huneycutt  
9 tell you? She said, "Take this child with you.  
10 Please take this child with you." "I've got to  
11 go to work, I can't take the child with me."  
12 "Take her to work, put her in the car, leave her  
13 there, that's what I do, I do it all the time."

14 They said, "Well, Brittney Huneycutt didn't  
15 like her very much, and she didn't like  
16 Brittney." Okay, fine, let's go to Lindsey  
17 Lewis, the babysitter, the same babysitter that  
18 Rita abandons her child with three days before  
19 this takes place. The babysitter who had never  
20 taken care of the child before.

21 The babysitter who didn't even know if the  
22 child ate solid food, that there was a choking  
23 hazard, because Rita never told her. The same  
24 babysitter that came in and testified, "There  
25 wasn't any food in the house, and she just left.

1 And all Saturday I tried to call her, and she  
2 didn't respond."

3 Do you know why she didn't respond?  
4 Because she was getting high with Larry. Her  
5 focus was on Larry, her focus was on getting  
6 high with Larry, not anything to do with this  
7 child. She didn't respond then. She didn't  
8 respond before. She didn't respond through this  
9 entire event, not to that child, all of her  
10 concern was Larry.

11 She abandons the child with the babysitter,  
12 then she turns around and puts the child in the  
13 car, they don't forget, that's what I said in my  
14 opening statement, they didn't forget her, they  
15 stood around the car until they went inside and  
16 had sex.

17 Where was the child? In the car, she  
18 abandoned the child again. Yeah, I own the fact  
19 that I said baggage, that's exactly how they're  
20 treating that child, baggage, in the way,  
21 because she needed to be with Larry, and she  
22 abandoned the child then. And the child's  
23 locked in the car. Did she stay with the child?

24 No, she and Larry go and hug and kiss in  
25 the car -- in the truck, and they take off,

1           abandoning the child again. And one more thing  
2           and I'll sit down. He said he's a parent, lots  
3           of experience. I can't imagine finding my child  
4           dead.

5           MR. LOY: Objection, Your Honor.

6           MR. STONE: It was improper, it's not in  
7           evidence.

8           THE COURT: The objection is overruled.

9           MR. STONE: Thank you.

10           I can't imagine. Most parents if they find  
11           their child dead, they're not gonna be inside  
12           the house when the police get there. In fact,  
13           the police are gonna have to pry that parent off  
14           of that child.

15           And if the police don't have to do it, the  
16           Coroner's gonna have to do it. If the Coroner's  
17           not gonna do it, the funeral director's gonna  
18           have to do it, because the parents are gonna  
19           stay with that child. That child was dead. The  
20           child is a part of them, they're never gonna  
21           leave that child, even if the child is dead.  
22           And what did she do?

23           She went inside, she abandoned the child  
24           again. Maybe at some point in her life, and  
25           maybe other days she wouldn't have done that,

1 but on August the 5th, 2019, two people murdered  
2 that child on this day.

3 \*\*

4 JURY CHARGE

5 THE COURT: Madam Forelady --

6 FORELADY: Yes, sir.

7 THE COURT: -- and members of the jury,  
8 you've heard the testimony, received the  
9 evidence and heard the arguments of the State  
10 and the Defendants. I will now explain to you  
11 the law that applies to this case. Under the  
12 Constitution and laws of the State of South  
13 Carolina, you are the finders of the facts.

14 I do not have a right to pass on the facts,  
15 or to express any opinion that I might have as  
16 to them, because this is a matter solely for  
17 you, the jury, to determine. As jurors then, it  
18 is your duty to determine the effect, the value,  
19 the weight and the weight of the evidence  
20 presented during this trial.

21 As the Trial Judge, it is my responsibility  
22 to preside over the trial of the case, to rule  
23 upon the admissibility of the evidence offered  
24 during the trial. You are to consider only the  
25 testimony from this witness stand, together with

1 any exhibits which have been made a part of the  
2 record. I have the additional duty to charge  
3 you the law applicable, and as the Presiding  
4 Judge, I am the sole judge of the law.

5 It is your duty as jurors to accept and  
6 apply the law as I now state it to you, then  
7 deliberate in an effort to reach a verdict. I  
8 charge you in that regard that you should not be  
9 concerned with what you think the law ought to  
10 be, but what I tell you that the law is. Now,  
11 you are also the judges, the sole judges of the  
12 credibility, that is the believability of the  
13 witnesses who have testified, and of the  
14 evidence offered during the trial.

15 In considering credibility, you may take  
16 into consideration many things, such as the  
17 demeanor or manner of testifying, whether the  
18 witness had a reason to be biased or prejudiced,  
19 and whether the testimony of a witness was  
20 contradicted on the one hand or supported and  
21 corroborated on the other hand. You may believe  
22 a small portion of a witness' testimony, and  
23 disregard the larger, or vice versa.

24 These things you will consider, bearing in  
25 mind that you should give each Defendant the

1 benefit of any reasonable doubt. It becomes  
2 your duty, as jurors, to analyze and to evaluate  
3 the evidence, and determine that evidence which  
4 convinces you.

5 There are two types of evidence, which are  
6 generally presented during a trial, direct  
7 evidence and circumstantial evidence. Direct  
8 evidence directly proves the existence of a  
9 fact, and does not require deduction.  
10 Circumstantial evidence is proof of a chain of  
11 facts and circumstances, including the existence  
12 of a fact.

13 It is evidence which immediately  
14 establishes collateral facts from which the main  
15 fact may be inferred. Circumstantial evidence  
16 is proof of a chain of facts and circumstances,  
17 indicating the existence of a fact. Crimes may  
18 be proven by direct evidence, or circumstantial  
19 evidence.

20 The law makes no distinction between the  
21 weight or the value to be given, either direct  
22 evidence or circumstantial evidence. However,  
23 to the extent the State relies on circumstantial  
24 evidence, all of the circumstances must be  
25 consistent with each other, and when taken

1 together point conclusively to the guilt of the  
2 accused beyond a reasonable doubt.

3 If these circumstances merely portray a  
4 defendant's behavior as suspicious, the proof  
5 has failed. The State has the burden of proving  
6 each defendant guilty beyond a reasonable doubt.  
7 This burden rests with the State regardless of  
8 whether the State relies on direct evidence,  
9 circumstantial evidence, or some combination of  
10 the two.

11 Now, rules of evidence normally do not  
12 permit witnesses to testify as to opinions or  
13 conclusions. An exception to this rule exists  
14 for witnesses who are called expert witnesses.  
15 An expert witness is a witness, who by education  
16 or experience has become an expert in some  
17 field, and that witness may state an opinion to  
18 relevant and material matter within their  
19 expertise, and they may also state the reasons  
20 for their opinion.

21 You should consider any expert opinion  
22 received in evidence. And like any other  
23 evidence, give it the weight that you think it  
24 deserves. If you decide that an opinion of an  
25 expert is not based on sufficient education and

1           experience, or if you conclude that the reasons  
2           given in support of the opinion are not sound,  
3           or that the opinion is outweighed by other  
4           evidence, you may disregard the opinion  
5           entirely.

6           An expert witness' testimony is to be given  
7           no greater weight than that of any other witness  
8           simply because the witness is an expert.  
9           Further, you are not required to accept an  
10          expert's opinion, even though it is not  
11          contradicted.

12          Now, I instruct you and emphasize that the  
13          fact that a defendant did not testify is not a  
14          factor to be considered by you in any way in  
15          your deliberations, and in your consideration on  
16          the question of the guilt or innocence of a  
17          defendant.

18          It must not be considered by you in any  
19          manner whatsoever. A defendant has the  
20          constitutional right to remain silent. And the  
21          assertion of this right must not be considered  
22          by you in your deliberations. So I repeat,  
23          under your oath, you are to draw no conclusions  
24          whatsoever from the fact that a defendant did  
25          not testify.

1           The fact that a defendant did not testify  
2           should not even be discussed in the jury room.  
3           The burden of proof as I have stated is on the  
4           State. The defendant is not required to prove  
5           him or her innocent. The burden remains on the  
6           State to prove guilt beyond a reasonable doubt.

7           Now, the fact that the Defendants were  
8           arrested, charged and indicted is not evidence,  
9           and cannot be considered by you as evidence of  
10          guilt, nor does an indictment create any  
11          presumption or inference of guilt. The  
12          indictments are simply the formal written  
13          instruments, which contain the charges made  
14          against the Defendants.

15          The indictments are the formal documents by  
16          which this case is brought into this Court.  
17          Each Defendant has pled not guilty to the  
18          charges in the indictments. And those pleas put  
19          the burden on the State to prove the Defendant  
20          or Defendants guilty. A person charged with  
21          committing a criminal offense in the State of  
22          South Carolina is never required to prove  
23          himself or herself innocent.

24          I charge you that it is an important rule  
25          of the law, that a defendant in a criminal

1 trial, no matter what the seriousness of the  
2 charge may be, will always be presumed to be  
3 innocent of the crime for which the indictment  
4 was issued, unless guilt has been proven by  
5 evidence satisfying you of that guilt beyond a  
6 reasonable doubt.

7 This presumption of innocence does not end  
8 when you begin your deliberations, but it  
9 accompanies each Defendant throughout the trial  
10 until you reach a verdict of guilt, satisfying  
11 you of that guilt beyond a reasonable doubt.  
12 The presumption of innocence is like a robe of  
13 righteousness placed about the shoulders of a  
14 defendant, which remains with the defendant  
15 until it has been stripped from the defendant by  
16 evidence satisfying you of the defendant's guilt  
17 beyond a reasonable doubt.

18 The presumption of innocence is not a mere  
19 legal theory, it's not just a legal phrase, it  
20 is a substantial right to which every defendant  
21 is entitled, unless you are satisfied from the  
22 evidence of proof beyond a reasonable doubt.  
23 The State has the burden of establishing every  
24 fact necessary to prove each Defendant guilty  
25 beyond a reasonable doubt, because the law

1 presumes every Defendant charged with a crime to  
2 be innocent, and the burden of establishing  
3 guilt is placed solely on the State.

4 So what is a reasonable doubt in the law?  
5 A reasonable doubt is the kind of doubt that  
6 would cause a reasonable person to hesitate to  
7 act. Proof beyond a reasonable doubt,  
8 therefore, is proof that leaves you firmly  
9 convinced of the guilt of a defendant.

10 There are very few things in this world  
11 that we know without absolute certainty, and in  
12 criminal cases the law does not require proof  
13 that overcomes every possible doubt.

14 If based on your consideration of the  
15 evidence, you are convinced that a Defendant is  
16 guilty, then you must find him or her guilty.  
17 If on the other hand you think that there is a  
18 reasonable possibility, a real possibility that  
19 either or both of the Defendants are not guilty,  
20 then you must give each of them the benefit of  
21 the doubt and find him or her not guilty.

22 The indictments in this case allege three  
23 separate offenses against each Defendant. The  
24 indictments are murder of CP [REDACTED]  
25 great bodily injury on a child, and criminal

1 conspiracy. Each indictment charges a separate  
2 and distinct offense as to each Defendant. You  
3 must decide each indictment separately on the  
4 law and the evidence applicable to it,  
5 uninfluenced by your decision as to any other  
6 indictment.

7 Each Defendant may be convicted or  
8 acquitted on any or all of the offenses charged,  
9 and you will be asked to write a separate  
10 verdict of guilty or not guilty for each  
11 indictment.

12 The Defendant, Rita Pangalangan, and  
13 Defendant, Larry Eugene King, are the charged  
14 with the murder of CP [REDACTED] [REDACTED] The  
15 State must prove beyond a reasonable doubt that  
16 the Defendant or Defendants killed CP [REDACTED]  
17 [REDACTED] with malice aforethought. Malice is  
18 hatred, ill-will, or hostility towards another  
19 person. It is the intentional doing of a  
20 wrongful act without just cause or excuse, and  
21 with an intent to inflict an injury, or under  
22 circumstances that the law will infer an evil  
23 intent.

24 Malice aforethought does not require that  
25 malice exists for any particular time before the

1 act is committed, but malice must exist in the  
2 mind of the Defendant or Defendants just before  
3 and at the time the act is committed.

4 Therefore, there must be a combination of  
5 the previous evil intent and the act. Malice  
6 aforethought may be expressed or inferred.  
7 These terms, expressed and inferred, do not mean  
8 different kinds of malice, but merely the manner  
9 in which malice may be shown to exist. That is  
10 either by direct evidence or by inference from  
11 the facts and circumstances which are proven.  
12 Expressed malice is shown when a person speaks  
13 words which expresses hatred or ill-will for  
14 another, or when the person prepared beforehand  
15 to do the act, which was later committed.  
16 Malice may be inferred from conduct showing a  
17 total disregard for human life.

18 Malice may be inferred from conduct that is  
19 so extremely reckless and wanton, as to indicate  
20 a depravity of mind and general disregard for  
21 human life. In the context of murder, malice  
22 does not require ill-will toward the individual  
23 injured, but rather it signifies a general  
24 malignant extreme recklessness of the lives and  
25 safety of others, or a condition of mind that

1 shows a heart, regardless of social duty a fatal  
2 event on mischief.

3 As to the charge of great bodily injury on  
4 a child, the State must prove beyond a  
5 reasonable doubt that the Defendant or  
6 Defendants inflicted great bodily injury on a  
7 child. Great bodily injury means bodily injury,  
8 which creates a substantial risk of death, or  
9 which causes serious injury or permanent  
10 disfigurement, or protracted loss, or impairment  
11 of a bodily function, member, or organ.

12 As to criminal conspiracy, the State must  
13 prove beyond a reasonable doubt that the  
14 Defendants combined together for the purpose of  
15 accomplishing a criminal or a unlawful object,  
16 or an object neither criminal nor unlawful, by  
17 criminal or unlawful means to establish the  
18 existence of a conspiracy, proof of an expressed  
19 agreement is not necessary, and direct evidence  
20 is not essential, but the conspiracy may be  
21 sufficiently shown by circumstantial evidence,  
22 and the conduct of the parties.

23 And in order to establish criminal  
24 liability, criminal intent is required. For  
25 example, the mental state required to be proven

1 by the State for a particular crime might be  
2 purpose, intent, knowledge, extreme recklessness  
3 or criminal negligence.

4 Criminal intent must be proven by the State  
5 beyond a reasonable doubt. And criminal intent  
6 is always a matter that must be determined by  
7 the jury from the circumstances surrounding the  
8 situation. There's no way to prove intent to a  
9 mathematical certainty.

10 There's no way medical science can dissect  
11 a person's brain and determine what the person  
12 had in mind. So the law says criminal intent  
13 may be shown from circumstances shown to have  
14 existed. This is how you make a determination  
15 of whether or not the element requiring intent  
16 was present.

17 It is not necessary to establish intent by  
18 direct and positive evidence, but intent may be  
19 established the same way as any other facts, by  
20 taking into consideration the acts of the  
21 parties, and all the facts and circumstances of  
22 the case. Criminal intent is a mental state, a  
23 conscious wrongdoing. It is up to you to  
24 determine what the Defendant or Defendants  
25 intended to do, based on the circumstances shown

1 to have existed. Criminal intent can arise from  
2 action, or failure to act. It may arise from  
3 negligence, extreme recklessness or an  
4 indifference to duty, or to consequences that is  
5 considered by the law to be an equivalent to  
6 criminal intent.

7 Voluntary intoxication or use of drugs does  
8 not constitute a defense to a crime, but proof  
9 of mere presence at the scene of the crime is  
10 not sufficient to find someone guilty. However,  
11 the law also says that the hand of one is the  
12 hand of all.

13 If a crime is committed by two or more  
14 persons, who are acting together in the  
15 commission of a crime, then the act of one is  
16 the act of both. When a person does an act in  
17 the presence of and with the assistance of  
18 another, the act is done by both. As indicated  
19 mere suspicion, however strong, is not  
20 sufficient to sustain a conviction. Suspicion  
21 implies a belief or opinion as to guilt based on  
22 facts and circumstances which do not amount to  
23 proof.

24 Now, while the arguments of counsel are a  
25 beneficial part of every trial, you should

1 remember that the statements made by counsel are  
2 not evidence. In presenting their arguments,  
3 counsel often refer to the evidence; however,  
4 you should base your verdict on the evidence as  
5 you remember it.

6 If there are any conflicts between the  
7 recollection of counsel about the evidence and  
8 your own recollection, you should rely on your  
9 own understanding of the evidence.

10 And Madam Forelady, and members of the  
11 jury, I'm required to charge you the law as I've  
12 done through giving you these instructions, and  
13 that's to help guide you to a just and lawful  
14 verdict.

15 Whether some of these instructions apply  
16 will depend upon what you find to be the facts.  
17 The fact that I've instructed you on various  
18 subjects must not be considered as an indicating  
19 and opinion that I have, as to what you should  
20 find to be the facts, or what your verdict  
21 should be.

22 Now, you've been chosen and sworn to give  
23 the parties a fair and impartial trial. When  
24 you've done so, you will have complied with your  
25 oath, and no one will have a right to criticize

1           your verdict. You must not be influenced by  
2           opinions or expressions of opinions you may have  
3           heard outside of the courtroom, but rather  
4           should base your verdict solely on the testimony  
5           of the sworn witnesses who took the stand, the  
6           exhibits received into evidence and the law  
7           which I have stated.

8           You should not be swayed by capris,  
9           passion, prejudice or improper sympathy for or  
10          against anyone. Remember you have no friends to  
11          reward or enemies to punish, and all parties are  
12          entitled to a fair and impartial trial. It is  
13          your duty, as jurors, to consult with one  
14          another, and to deliberate in an effort to reach  
15          an agreement.

16          Each of you must decide this case for  
17          yourself, but only after an impartial  
18          consideration of all of the evidence with your  
19          fellow jurors. In the course of your  
20          deliberations, do not hesitate to re-examine  
21          your own views, and to change your opinion, if  
22          you become convinced that it is erroneous.  
23          However, do not surrender your honest  
24          conviction, as to the weight or effect of the  
25          evidence solely because of the opinion of your

1           fellow jurors, or for the mere purpose of  
2           returning a verdict.

3           As I stated earlier, you are the judges,  
4           judges of the facts. Your verdict must  
5           represent the considered judgment of each juror.  
6           In other words, your verdict must be unanimous.  
7           And, Madam Forelady, it will be your duty to  
8           preside over the deliberations of the jury. If  
9           during your deliberations you should desire to  
10          communicate with me, please reduce your message  
11          or question to writing, signed by your  
12          Foreperson, and the Foreperson only, and then  
13          pass the note to the Bailiff, who will bring it  
14          to my attention.

15          I will then respond as promptly as  
16          possible, either in writing, or to have you  
17          return to the courtroom. However, I caution  
18          you, however, with regard to any message or  
19          question, that you should never state or specify  
20          your numerical division at the time. You've  
21          heard the evidence, and now you have heard the  
22          law. Whatever your verdict, Madam Forelady, you  
23          will indicate the verdict on the verdict form.  
24          And we have two verdict forms, one for  
25          Pangalangan, and one for King.

1           And as to each charge, the verdict is  
2           either not guilty or guilty, you will check the  
3           appropriate box, then sign it at the end. Now,  
4           remember that although only the Foreperson  
5           writes the verdict, it is not hers alone. The  
6           verdict has to be unanimous, and, Madam  
7           Forelady, you're not authorized to write the  
8           verdict until all of you have agreed on the  
9           verdict.

10           So, ladies and gentlemen, I'm going to send  
11           you to the jury room to start deliberating in a  
12           moment, but when you get there don't begin  
13           deliberations until you've received the copy of  
14           the verdict forms and the exhibits. And once  
15           you receive these things, that will be your  
16           signal to begin your deliberations.

17           Once you begin your deliberations, you will  
18           deliberate until you have reached a verdict, at  
19           which time you will knock on the door, advise  
20           the Bailiff, and we will bring you out to  
21           receive your verdict.

22           Now, we've selected 14 people to serve on  
23           jury duty, the first 12, our regular jurors, and  
24           then two alternates. Before asking any question  
25           about whether you can continue with

1           deliberations, I want to inquire the jury  
2           whether anyone has made an effort to contact you  
3           about the case, or whether you've viewed any  
4           media, articles or otherwise been exposed to any  
5           other information about this case, other than  
6           what you received in the courtroom?

7           If you've seen or heard anything else  
8           outside of the courtroom, or have been contacted  
9           by anyone concerning the case, if so, raise your  
10          hands. No hands are raised. Now, we have two  
11          alternates, very capable alternates over there,  
12          if for any reason any of the first 12 of you  
13          selected cannot continue with deliberations,  
14          please raise your hands. All the first 12  
15          jurors are good to go, which means that the two  
16          alternates will not be able to participate in  
17          the deliberations, and when they go to the jury  
18          room, if you'all will hold your position right  
19          there.

20          So I'm going to send you to the jury room  
21          now, and wait for the verdict form and exhibits,  
22          and that will be your signal to begin your  
23          deliberations, so please go to the jury room.

24                   (Jury exits the courtroom.)

25                   THE COURT: Will they close the door? Is

1 the door closed? Are there any additions or  
2 exceptions to the charge?

3 MR. STONE: No, sir, not from the State.

4 MR. LOY: NO, Your Honor, thank you.

5 MR. PHILLIPS: None from the charge, Your  
6 Honor. Whenever the appropriate time is, I have  
7 a matter of law I need to put on the record.

8 THE COURT: All right. So if you'all can  
9 then review the exhibits that's going back to  
10 the jury, along with pass up the verdict form to  
11 them as well?

12 And while they're reviewing these exhibits  
13 for submission to the jury room, I'm gonna  
14 discharge the alternates now. I don't know if  
15 you have to take that down, or if you do.

16 COURT REPROTER: Yes, sir.

17 THE COURT: Oh, okay, start taking it down.

18 COURT REPROTER: I'm sorry, did you say  
19 yes?

20 THE COURT: Yes, may as well, yes.

21 COURT REPORTER: Yes, sir.

22 THE COURT: Okay. Let's let the alternates  
23 go and then get back to that. To the two  
24 alternates, thank you'all very much for your  
25 efforts during this trial. Whenever people

1 appear for jury duty, they're quite often  
2 hesitant and hopeful that they don't get picked,  
3 but almost everyone who gets selected to be on  
4 the jury, by the end of the trial and during the  
5 course of the trial, they become heavily  
6 invested in the trial, and they want to see it  
7 through to its conclusion.

8 So I've noticed you'all being very  
9 attentive and very good jurors, but the luck of  
10 the draw, the first 12 selected are those folks,  
11 and you'all were standing in the wings ready to  
12 join the jury, if you needed to, so we're gonna  
13 release you from jury duty now. I would suggest  
14 that you not discuss what you think the verdict  
15 should be until you hear from the jury, as to  
16 what the verdict is, at which time you can talk  
17 to anyone that you might want to about the  
18 verdict at that time.

19 MR. STONE: Your Honor, can we just say  
20 thank you for their time?

21 THE COURT: And we want to thank you on  
22 behalf of all the parties, and your other fellow  
23 citizens of Colleton County, and so you're  
24 excused. Madam Clerk, any other comments for  
25 the jurors? Okay. Do you normally tell them

1           you're gonna send them a check, or --

2           CLERK: Well, we already explained that.

3           They got cards at the beginning of the week --

4           THE COURT: All right, I've got you.

5           CLERK: Okay.

6           THE COURT: All right, you don't explain  
7           the checks anymore. Concerning the diagram that  
8           was never admitted into evidence, and was used  
9           for demonstrative purposes only, has that been  
10          removed?

11          MR. STONE: It has not. I apologize, which  
12          document is it?

13          THE COURT: Forensic pathologist.

14          MR. STONE: Yeah, the chart?

15          THE COURT: The chart. It was never  
16          admitted.

17          MR. PHILLIPS: Your Honor, may I be  
18          excused?

19          THE COURT: Yes, sir.

20          MR. STONE: The State is satisfied, Your  
21          Honor.

22          THE COURT: All very, very good. Okay,  
23          take them back, Mr. Bailiff, and let the jury --  
24          they can start deliberating.

25          BAILIFF: Yes, sir.

1 THE COURT: Yes, sir, Mr. Phillips, a  
2 matter of law.

3 MR. PHILLIPS: thank you, Your Honor.  
4 Based on what was presented in closing, I'd  
5 renew the prior motion for a mistrial,  
6 specifically, highlighting the Solicitor's  
7 comments about shooting her in the head,  
8 referring to CP [REDACTED] and the previously  
9 sustained hearsay objection I had, regarding  
10 what Rita said, you had sustained that during  
11 the trial inadmissible statement in his closing.

12 There was a photo of the gun that I  
13 previously objected to, as well as the testimony  
14 from Lindsey Lewis and Brittany Huneycutt, that  
15 I would argue was under 401, not relevant,  
16 404(b) inadmissible propensity evidence, and  
17 403, that any probative value was substantially  
18 outweighed by its prejudicial effects.

19 I believe we touched on a mistrial,  
20 regarding the -- that's been a deprivation of  
21 Rita's right to a fair trial. The closing was  
22 calculated to arouse the passions and prejudice  
23 of the jury. It crossed the threshold and rose  
24 to the level of a mistrial. Thank you.

25 THE COURT: All right, a response by the

1 State?

2 MR. STONE: No, sir, I think we've covered  
3 all the arguments legally. I don't believe that  
4 I referred to anything in front of the jury. I  
5 don't believe I did that; otherwise, Your Honor,  
6 all the other legal arguments have already been  
7 made.

8 THE COURT: Anything further?

9 MR. PHILLIPS: And just to be specific  
10 about the statement, I believe that question was  
11 asked of Larry about what she said, as far as it  
12 would be cheaper not to bust out the window, go  
13 get the key fob. I objected to the hearsay, and  
14 Your Honor sustained that objection.

15 THE COURT: A statement by the co-  
16 Defendant?

17 MR. PHILLIPS: That's correct.

18 THE COURT: As being hearsay?

19 MR. PHILLIPS: Yeah, and you sustained it,  
20 and they relied on that inadmissible statement.

21 THE COURT: Yeah, I don't recall sustaining  
22 a co-Defendant's statement.

23 MR. PHILLIPS: The co-Defendant was  
24 testifying. I wouldn't say a statement that Ms.  
25 Pangalangan -- I objected as to hearsay.

1 THE COURT: Statement as stated by the co-  
2 Defendant?

3 MR. PHILLIPS: No, by my client.

4 THE COURT: Okay.

5 MR. PHILLIPS: Rita Pangalangan. During  
6 Larry King's testimony.

7 THE COURT: All right.

8 MR. PHILLIPS: You sustained it.

9 THE COURT: All right, everything is a  
10 matter of record, and the record is preserved,  
11 and I overruled the motion that's currently  
12 being made and all other motions that I  
13 previously overruled or denied. And the jury  
14 can keep rolling, and we'll take a break waiting  
15 for them.

16 MR. STONE: Thank you.

17 MR. LOY: Thank you, Your Honor.

18 THE COURT: Yeah.

19 (RECESS)

20 BAILIFF: All rise and come to order.

21 THE COURT: Thank you. You'all may be  
22 seated while I look over this. Yes, sir.

23 MR. LOY: Before we leave the courtroom  
24 again --

25 MR. PHILLIPS: That's it.

1 THE COURT: You certainly can confer with  
2 each other.

3 MR. LOY: Thank you, Your Honor.

4 THE COURT: The jury has now sent out two  
5 notes. The first one is, "Can I get a copy of  
6 the laws and definitions as stated?" I answered  
7 that, "No." They've now sent out another note,  
8 "Is it possible that we can get a laptop to view  
9 video?" Says the State?

10 MR. STONE: I don't have any objection, any  
11 way Your Honor wants to do that. We've got a  
12 laptop we can send back. Obviously, there needs  
13 to be some instructions from Your Honor that  
14 says you can't go play on the Internet, or  
15 looking -- you've just got to watch the video.  
16 If there's a better way? I don't have any  
17 objection one way or the other.

18 MR. PHILLIPS: My position is, that I'd  
19 like it to be in a controlled environment. They  
20 can come in here and we can play the video here.  
21 It's a controlled environment.

22 THE COURT: Well, jury deliberations are  
23 not a controlled environment.

24 MR. PHILLIPS: Understood, but they can  
25 watch the video and then go from there.

1 THE COURT: Yes, sir?

2 MR. LOY: Your Honor, I have been in Court  
3 where the Court has a pristine clean --

4 THE COURT: Well, the Court has no pristine  
5 anything. My computer has 20 years' worth of  
6 work on it.

7 MR. LOY: No, I'm sorry, I wasn't referring  
8 to Your Honor, that the Courthouse itself, when  
9 they make that available it doesn't have  
10 internet access, it doesn't have anything else  
11 on it.

12 If the laptop has other stuff on it, I  
13 object to it going back. If it has internet  
14 access, I object to it going back. If not, if  
15 there's one that has nothing, and it's simply a  
16 video player, I do not have an objection to them  
17 having it to view.

18 THE COURT: Okay, well, this should not be  
19 rocket science for any lawyer trying a case in  
20 2023, when videos are presented during or body  
21 cam, videos of various sorts are used in almost  
22 every trial.

23 MR. LOY: Yes, sir.

24 THE COURT: And it's incumbent upon the  
25 lawyers to deal with that issue. I do not

1 believe in having jurors deliberate in the  
2 presence of an audience, such as Mr. Phillips is  
3 suggesting.

4       Though you're shaking your head, if -- once  
5 the jury gets the case to deliberate, they  
6 should have evidence in the jury room as they  
7 were given the videos to take into the jury  
8 room. It's incumbent upon the parties to make  
9 it such that they can view that evidence in the  
10 jury room, as they have requested.

11       MR. LOY: As I could not introduce any  
12 video, I don't think it's incumbent upon me --

13       THE COURT: Okay, so you're out of the  
14 conversation, it's not incumbent upon you.

15       MR. LOY: Excuse me?

16       THE COURT: You're out of the conversation,  
17 if it's not incumbent upon you.

18       MR. LOY: I don't mean to say -- but I'm  
19 making the argument that it's not incumbent upon  
20 me --

21       THE COURT: Okay.

22       MR. LOY: -- it's incumbent upon them.

23       THE COURT: All right.

24       MR. LOY: If Your Honor wants to instruct  
25 them to the law, the specific computer from the

1 Solicitor's Office that God knows what's on it.

2 THE COURT: Oh, I understand that, so,  
3 obviously, that won't happen.

4 MR. LOY: thank you, Your Honor.

5 THE COURT: That's like police bodycam of a  
6 DUI traffic stop that has 30 DUI stops on it.

7 MR. LOY: thank you, Your Honor.

8 THE COURT: So we don't do that. Yes, sir.

9 MR. PHILLIPS: The burden's always on the  
10 State, and we have no burden in here.

11 THE COURT: Not regarding exhibits, the --

12 MR. PHILLIPS: There's no law that requires  
13 for them to have a laptop ready for the jury:

14 THE COURT: Well, absolutely, you're  
15 correct. It's incumbent upon the lawyers, as  
16 far as, if you introduce the video, and you  
17 argue to the jury that they can watch the video,  
18 but you made no provisions for the jury to watch  
19 the video that you introduced, and so -- and it  
20 goes both ways.

21 That's why, as I'm stating, it's incumbent  
22 upon the lawyers in presenting cases, to make  
23 provisions for the jury to view their evidence,  
24 if you want the jury to review it.

25 MR. PHILLIPS: And, Your Honor,

1 respectfully, I believe that would be Court  
2 Administration through the Clerk of Court's  
3 Office, and that would be my position. Thank  
4 you.

5 THE COURT: Yeah, well, it's not incumbent  
6 upon Court Administration, and it's not  
7 incumbent upon the Clerk's Office to make  
8 provisions for jurors to review evidence that's  
9 introduced by the parties, that's the  
10 responsibility of the parties. Mr. Stone?

11 MR. STONE: Again, we'd offer that, and I  
12 think even sending a Bailiff back with the  
13 computer, but whatever, again, do whatever you  
14 want to.

15 THE COURT: Yeah. Mr. Loy's right, I mean  
16 you have some pristine computer with nothing on  
17 it, for the purpose of having jurors be able to  
18 view it, but, you know, apparently, you'all have  
19 not done it in this case.

20 MR. PHILLIPS: And I guess, potentially,  
21 for the appellate record, I know from other  
22 cases, since the State has the burden of  
23 proof --

24 THE COURT: Yeah.

25 MR. PHILLIPS: -- they will have a computer

1 with no internet, no access. It's their  
2 evidence from which once you cross that bridge  
3 of proving beyond a reasonable doubt that my  
4 client is guilty, so it is their --

5 THE COURT: Yeah. Jurors request many  
6 things that are not in evidence, including a  
7 laptop, it's not in evidence. Jurors get the  
8 evidence, and they have the evidence, and  
9 they're deliberating.

10 If the parties are interested in the  
11 parties reviewing the evidence, then it's  
12 incumbent upon the parties to work that out to  
13 enter into some stipulation, which should be  
14 done in advance of making an argument to the  
15 jury, saying, "Watch my video," and you've made  
16 no provisions for them to watch it.

17 MR. LOY: Thank you, Your Honor.

18 THE COURT: So the question now posed by  
19 the jurors, "Is it possible that we can get a  
20 laptop to view video?" What says the State?

21 MR. STONE: My answer is yes, we have the  
22 video, we have a laptop. Your instruction  
23 should be, "Watch the video on the laptop, don't  
24 get on the internet." Other than that, yes, is  
25 the answer to that.

1 THE COURT: What else is on the video,  
2 other than exhibits and this trial?

3 MR. STONE: You mean what else is on the  
4 computer?

5 THE COURT: Yes, sorry, yes. What else is  
6 on the laptop, other than exhibits in this  
7 trial?

8 MR. STONE: Probably a lot like your  
9 computer, Your Honor. The internet is cut off.  
10 Whether the Bailiff could go with it, I have no  
11 objection to that either.

12 THE COURT: Well, the Bailiff's not a part  
13 of deliberations.

14 MR. STONE: I know.

15 THE COURT: Yes, sir?

16 MR. LOY: Your Honor, I'm sorry.

17 MR. STONE: Judge, I think we have a way to  
18 do this.

19 THE COURT: Okay.

20 MR. STONE: But I have to ask about  
21 technology. If I could just have him explain it  
22 to you, this is Dylan Hightower, I know you guys  
23 introduced him earlier, but --

24 THE COURT: Yes, sir, Mr. Hightower?

25 MR. HIGHTOWER: Yes, sir, Judge, what we

1 can do is, we can create a new profile through  
2 my computer, and just put these two files on  
3 there, the two camera angles, and then allow  
4 them to view it from there on out, and they  
5 won't have any access to the Internet.

6 THE COURT: So it will not have any access  
7 of any other information?

8 MR. STONE: And so everything else will be  
9 passworded, so you wouldn't be able to get to  
10 it.

11 THE COURT: All right, Mr. Phillips?

12 MR. PHILLIPS: If after review that is done  
13 in the way they described, I have no objection.  
14 I would ask that the video that Your Honor  
15 referenced --

16 THE COURT: So do you want to prove to Mr.  
17 Phillips what you just said?

18 MR. HIGHTOWER: Yes, sir, can I have about  
19 five or ten minutes, and I can give a perfect  
20 example of how that works.

21 MR. PHILLIPS: Okay.

22 MR. LOY: I want him to explain it to me.

23 THE COURT: All right. Take your time and  
24 do that, and then -- and explain it to everyone  
25 before they submit it to the jury.

1 MR. HIGHTOWER: Yes, sir.

2 (RECESS)

3 THE COURT: Okay, Mr. Bailiff, if you'll  
4 bring the jury.

5 (Jury enters the courtroom.)

6 THE COURT: They're coming in. I read what  
7 was submitted and agreed upon by the parties,  
8 State's request number three. I kind of  
9 hesitated, as I was reading it, two or more  
10 persons gathering together for the purpose of  
11 accomplishing the criminal or unlawful object,  
12 or an object neither criminal nor unlawful by  
13 unlawful means. Is that the right word, object,  
14 or should it be act?

15 MR. STONE: As I said, I tried to get that  
16 directly from the case, okay?

17 THE COURT: Yeah, I gotcha.

18 (Jury enters courtroom.)

19 THE COURT: Okay. All right, welcome back.  
20 I received a couple notes here, "Is it possible  
21 we can get a laptop to view video?" And the  
22 answer is, yes, and that will be submitted back  
23 there for you to use. Second question is, "Can  
24 we get a clear definition on criminal  
25 conspiracy? We cannot decide on a verdict until

1 we have a clear understanding." A criminal  
2 conspiracy is defined as a combination between  
3 two or more persons for the purpose of  
4 accomplishing a criminal or unlawful object, or  
5 an object neither criminal nor unlawful by  
6 criminal or unlawful means to establish the  
7 existence of a conspiracy Proof of an expressed  
8 agreement is not necessary, and direct evidence  
9 is not essential, but the conspiracy may be  
10 sufficiently shown by circumstantial evidence,  
11 and the conduct of the parties.

12 And that's what the definition of a  
13 criminal conspiracy is. So I ask you all to  
14 return to the jury room.

15 (Jury exits the courtroom.)

16 THE COURT: Any additions or corrections to  
17 the charge?

18 MR. STONE: No, sir.

19 MR. LOY: No, Your Honor.

20 MR. PHILLIPS: None, Your Honor.

21 MR. STONE: Your Honor, Mr. Hightower has  
22 copied the videos over, and they're about 75 to  
23 80 percent, and so about 20 more percent, and  
24 I'll be able to show defense counsel what we're  
25 talking about.

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MR. PHILLIPS: You are going to put it on there?

MR. STONE: Yeah, we'll need to load it on here, which the State has no objection to that. I just need to have it, so I can put it on.

MR. PHILLIPS: Okay.

THE COURT: I'll say for the record that, you know, I've submitted charges that each party has agreed to the standard definition of conspiracy.

There's a lot less confusion, of course, I know the lawyers always believe that something you find is quite often believed that what you find is better than what the standard definition is; but the standard definition in our charge is, "The Defendant I charged with conspiracy. The State must prove beyond a reasonable doubt that the Defendant combined with one or more persons for the purpose of committing an unlawful act, or of committing a lawful act by unlawful means.

There must be a mutual understanding, agreement or common intention and plan. Mere paths of knowledge or consent to the criminal

1           conduct of another is not enough to make a  
2           person a conspirator. There must be guilty  
3           knowledge and participation.

4           Similarly, the mere act that the Defendant  
5           may have associated with another person or met  
6           with another person and discussed common aims  
7           and interest, does not necessarily establish  
8           proof of existence of a conspiracy, or that the  
9           Defendant was involved in a conspiracy.

10           On the other hand, it's not necessary that  
11           the agreement be a formal one, that it be in  
12           writing, that the person hold a meeting and  
13           expressly state the terms of the common plan, or  
14           that the agreement be stated in words between  
15           them. The agreement of a criminal conspiracy  
16           may come into being through an implied mutual  
17           understanding, the willful intention of knowing,  
18           adoption by two or more persons of a common plan  
19           is sufficient.

20           No overt acts need to be shown to establish  
21           a conspiracy. A conspiracy may be shown by  
22           circumstantial evidence and the conduct of the  
23           parties. In order to convict the Defendant of  
24           conspiracy, the State must prove beyond a  
25           reasonable doubt, not only that Defendant knew

1 of the unlawful conduct, that the Defendant  
2 agreed to combine with the other person, for the  
3 purpose of accomplishing the unlawful conduct.  
4 That's a complete charge on conspiracy, and --  
5 which is not what was requested and agreed to by  
6 the parties.

7 MR. PHILLIPS: Well, Your Honor, for  
8 purposes effective assistance of counsel with  
9 the request --

10 THE COURT: No, I read their question --  
11 I read their question, and then I gave the  
12 charge.

13 MR. PHILLIPS: Yes, sir, but you also --  
14 before you gave the standard charge, you said  
15 this is a more clearer -- this is a clearer  
16 definition.

17 THE COURT: All right, well, I don't recall  
18 saying those words. I'm not disputing you, but  
19 it doesn't sound like, but go ahead.

20 THE COURT: So especially the case that was  
21 handed up by Clarendon County. So there's no  
22 objection to me bringing them back out, and  
23 giving the standard conspiracy charge; is that  
24 correct?

25 MR. LOY: I would request it.

1           THE COURT: All right, requested by each  
2 defense lawyers, and agreed to by the State.

3           MR. STONE: That's fine, Your Honor.

4           THE COURT: All right. So let's bring the  
5 jury back.

6           (Jury enters the courtroom.)

7           THE COURT: Madam Forelady and members of  
8 the jury, the Defendants are charged with  
9 conspiracy. The State must prove beyond a  
10 reasonable doubt that the Defendants combined  
11 with one or more person, the Defendant or  
12 Defendants combined with one or more persons for  
13 the purpose of committing an unlawful act, or of  
14 committing a lawful act by unlawful means.  
15 There must be a mutual understanding agreement,  
16 or common intention and plan.

17           Mere passive knowledge of or consent to the  
18 criminal conduct of another is not enough to  
19 make a person a conspirator. There must be  
20 guilty knowledge and participation. Similarly,  
21 the mere fact that a defendant may have  
22 associated with another person, or met with  
23 another person and discussed common names, and  
24 interests does not necessarily establish proof  
25 of the existence of a conspiracy, or that a

1 defendant was involved in a conspiracy. On the  
2 other hand, it is not necessary that the  
3 agreement be a formal one, that it be in  
4 writing, that the person hold a meeting and  
5 expressly state the terms of the common plan, or  
6 that the agreement was stated in words between  
7 them.

8 The agreement of a criminal conspiracy may  
9 come into being through an implied mutual  
10 understanding. The willful, intentional and  
11 knowing adoption by two or more persons of a  
12 common plan is sufficient. No overt acts need  
13 to be shown to establish a conspiracy.

14 A conspiracy may be shown by circumstantial  
15 evidence and the conduct of the parties. In  
16 order to convict a defendant of conspiracy, the  
17 State must prove beyond a reasonable doubt not  
18 only that a defendant knew of the unlawful  
19 conduct, but that a defendant agreed or combined  
20 with the other person or persons for the purpose  
21 of accomplishing the unlawful conduct. And that  
22 is a criminal conspiracy.

23 If you'all will return to the jury room.

24 (Jury exits the courtroom.)

25 MR. LOY: Thank you, Your Honor.

1           THE COURT: Okay. Any additions or  
2 exceptions?

3           MR. STONE: No, sir.

4           MR. PHILLIPS: No, Your Honor.

5           THE COURT: All right, and how are we  
6 coming with that project?

7           MR. STONE: We're ready.

8           THE COURT: Good.

9           MR. STONE: Yes, sir.

10          THE COURT: Okay.

11          MR. STONE: Your Honor, I believe that both Mr.  
12 Loy and Mr. Phillips are satisfied. Mr.  
13 Hightower has created a separate file folder.  
14 There's no internet access, but there are file  
15 folders in there, just from -- it comes with the  
16 basic computer, but I mean they're all empty.

17                 The only other thing that's on there is a  
18 drone dashboard that has no data in it, and  
19 nothing related to this case on it, and it  
20 literally just comes up as a picture.

21          THE COURT: And do you have to send back  
22 some instructions of some sort?

23          MR. PHILLIPS: Your Honor, we would request  
24 that they just be instructed just to click the  
25 videos.

1 THE COURT: Just hit play?

2 MR. PHILLIPS: Just to play the videos.

3 THE COURT: And they're up, Judge, in a  
4 file folder. They can see the three -- the two  
5 raw videos that we introduced, the one that Mr.  
6 Phillips introduced.

7 MR. STONE: The only other thing I would  
8 send back is for that user is the PIN code,  
9 which is 1111.

10 THE COURT: All right.

11 MR. PHILLIPS: And I guess just another  
12 general instruction, not to look at anything  
13 else.

14 MR. STONE: There's nothing on there for  
15 them to look at, so --

16 MR. PHILLIPS: I'm good.

17 MR. LOY: To my understanding, it will be  
18 open to the file that supposedly the videos.

19 MR. STONE: Yes.

20 MR. LOY: It goes back in that setting.  
21 Your Honor, I'm satisfied.

22 THE COURT: All right, fine. If you'll  
23 hand that to the Bailiff to take it to the jury.  
24 So to further comment on this, in some Federal  
25 Courts they have systems that will do this

1 playing, but not in most State Courts, certainly  
2 not here. And it is I think a phenomenon that  
3 we're encountering trials, and the lawyers have  
4 to be prepared for it.

5 I know that back in the day, I would say,  
6 the jurors would come into the courtroom, and  
7 view all of videos of crimes and traffic stops  
8 and all those things, and, in fact, the lawyers  
9 would look at the jurors to see what kind of  
10 reaction they're getting, while they're watching  
11 this evidence. And the jury is deliberating, so  
12 in effect you're asking them to deliberate in  
13 open court, which is the reason why -- which I'm  
14 again, in fairness to the jurors.

15 Like if they're seeing something and want  
16 to comment and say, "See there," I mean that's  
17 their prerogative, that's why they deliberate in  
18 the jury room and not in open court, so I'm glad  
19 we could get that resolved.

20 MR. STONE: Thank you, Your Honor.

21 THE COURT: So we are back at ease, waiting  
22 for the jury, and hopefully they won't take six  
23 hours.

24 BAILIFF: All rise.

25 (RECESS)

1           BAILIFF: All rise. Please be seated.

2           THE COURT: The jury sent a note, says,  
3 "Can we have a restatement on the definition of  
4 murder?" Says the State?

5           MR. STONE: They've asked you to recharge  
6 murder and malice, you had a whole section in  
7 there. I think that's what they're asking.

8           THE COURT: What says defense?

9           MR. PHILLIPS: They asked for a definition  
10 of murder specifically. We have no objection to  
11 giving them the definition of murder.

12          THE COURT: "Can we have a restatement on  
13 the definition of murder."

14          MR. LOY: With Mr. King, Your Honor, I ask  
15 for the entire charge.

16          THE COURT: Okay, well, the complete charge  
17 of murder is only a page and half.

18          MR. LOY: That's right.

19          THE COURT: I think they -- I'm gonna  
20 recharge murder. Bring the jury.

21          (Jury enters the courtroom.)

22          THE COURT: Madam Forelady and members of  
23 the jury you've sent out a question, "Can we  
24 have a restatement on the definition of murder?"

25          So I'm going to recharge you on the offense

1 of murder. The Defendant, Rita Pangalangan and  
2 Defendant, Larry Eugene King, are the  
3 charged with the murder of CP [REDACTED]  
4 The State must prove beyond a reasonable doubt  
5 that the Defendant or Defendants killed CP [REDACTED]  
6 [REDACTED] with malice aforethought. Malice is  
7 hatred, ill-will, or hostility towards another  
8 person. It is the intentional doing of a  
9 wrongful act without just cause or excuse, and  
10 with an intent to inflict an injury, or under  
11 circumstances that the law will infer an evil  
12 intent.

13 Malice aforethought does not require that  
14 malice exists for any particular time before the  
15 act is committed, but malice must exist in the  
16 mind of the Defendant or Defendants just before  
17 and at the time the act is committed.  
18 Therefore, there must be a combination of the  
19 previous evil intent and the act.

20 Malice aforethought may be expressed or  
21 inferred. These terms, expressed and inferred,  
22 do not mean different kinds of malice, but  
23 merely the manner in which malice may be shown  
24 to exist. That is either by direct evidence or  
25 by inference from the facts and circumstances

1           which are proven. Expressed malice is shown  
2           when a person speaks words which express hatred  
3           or ill-will for another, or when the person  
4           prepared beforehand to do the act, which was  
5           later committed.

6           Malice may be inferred from conduct showing  
7           a total disregard for human life. Malice can be  
8           inferred from conduct that is so extremely  
9           reckless and wanton, as to indicate a depravity  
10          of mind and general disregard for human life.  
11          In the context of murder, malice does not  
12          require ill-will toward the individual injured,  
13          but rather it signifies a general malignant  
14          extreme recklessness of the lives and safety of  
15          others, or a condition of mind that shows a  
16          heart, regardless of social duty a fatal event  
17          on mischief.

18          And that is a statement on the definition  
19          of murder. If you'll return to the jury room.  
20          Thank you.

21                 (Jury exits the courtroom.)

22           THE COURT: Any additions or exceptions to  
23           the charge?

24           MR. STONE: No, sir, not from the State.

25           MR. PHILLIPS: No, Your Honor.

1 MR. LOY: No, Your Honor, thank you.

2 THE COURT: All right, we're back in  
3 waiting.

4 (Recess.)

5 BAILIFF: All rise.

6 THE COURT: Please be seated.

7 I understand there's a verdict, you may  
8 bring the jury.

9 (Jury enters the courtroom.)

10 \*\*

11 READING OF THE VERDICT

12 THE COURT: Madam Forelady, if you'll stand  
13 for me. Have you reached a verdict?

14 FORELADY: Yes, we have.

15 THE COURT: Is it unanimous?

16 FORELADY: Yes, it is.

17 THE COURT: Okay, if you'll pass it to the  
18 Clerk, who will pass it to me, and you may be  
19 seated. Okay, if the Defendants will rise, and,  
20 Madam Clerk, if you will publish the verdict.

21 THE CLERK: The State of South Carolina v.  
22 Rita M. Pangalangan, Indictments Number 2019-GS-  
23 15-00781, 2022-GS-15-00710, 2022-GS-15-00814,  
24 we, the jury, in the above-captioned on the  
25 charge of murder of CP [REDACTED]

1 find the Defendant guilty.

2 We, the jury, in the above-captioned case  
3 on the charge of great bodily injury of a child  
4 we find the Defendant guilty. We, the jury, in  
5 the above-captioned case on the charge of  
6 criminal conspiracy find the Defendant not  
7 guilty, and it's signed by the Foreperson --

8 THE COURT: No, you don't need to call out  
9 the name of the Foreperson.

10 Signed by the Foreperson, do that.

11 CLERK: Signed by the Foreperson.

12 THE COURT: Yes.

13 CLERK: The State of South Carolina v.  
14 Larry Eugene King, Indictments 2019-GS-15-00780,  
15 2022-GS-15-00709 and 2022-GS-15-00813, we, the  
16 jury, in the above-captioned case on the charge  
17 of murder of CP [REDACTED] find the  
18 Defendant guilty.

19 We, the jury, in the above-captioned case  
20 on the charge of great bodily injury on a child,  
21 find the Defendant guilty.

22 We, the jury, in the above-captioned case  
23 on the charge of criminal conspiracy find the  
24 Defendant not guilty. This is also signed by  
25 the Foreperson.

1 THE COURT: Thank you.

2 Madam Forelady and members of the jury, if  
3 that is your verdict, please let me know by  
4 raising your right hands. All right, thank you,  
5 all hands are raised. The verdict appears to be  
6 a unanimous verdict. Any individual polling  
7 requested?

8 MR. STONE: Not from the State, Your Honor.

9 MR. LOY: No, Your Honor.

10 MR. PHILLIPS: Yes, Your Honor.

11 THE COURT: Okay, Madam Clerk, if you will  
12 poll the jury, as it relates to the verdicts  
13 involving Ms. Pangalangan.

14 CLERK: Do you want them to stand or  
15 just --

16 THE COURT: Just juror number, stand  
17 individually, and pose the questions to them, is  
18 this your verdict, is it still your verdict?

19 CLERK: Call them by their numbers?

20 THE COURT: Numbers, yes.

21 CLERK: Madam Foreperson, juror number 3,  
22 is this your verdict?

23 JUROR 3: Yes.

24 CLERK: Is it still your verdict?

25 JUROR 3: Yes.

1 CLERK: Juror number 147, is this your  
2 verdict?

3 JUROR 147: Yes.

4 CLERK: Is it still your verdict?

5 JUROR 147: Yes.

6 CLERK: Juror number 56, is this your  
7 verdict?

8 JUROR 56: Yes.

9 CLERK: Is it still your verdict?

10 JUROR 56: Yes.

11 CLERK: Juror number 5, is this your  
12 verdict?

13 JUROR 5: Yes.

14 CLERK: Is it still your verdict?

15 JUROR 5: Yes.

16 CLERK: Juror number 77, is this your  
17 verdict?

18 JUROR 77: Yes.

19 CLERK: Is it still your verdict?

20 JUROR 77: Yes.

21 CLERK: Juror number 339, is this your  
22 verdict?

23 JUROR 339: Yes.

24 CLERK: Is it still your verdict?

25 JUROR 339: Yes.

1 CLERK: Juror number 58, is this your  
2 verdict?

3 JUROR 58: Yes.

4 CLERK: Is it still your verdict?

5 JUROR 58: Yes.

6 CLERK: Juror number 450, is this your  
7 verdict?

8 JUROR 450: Yes.

9 CLERK: Is it still your verdict?

10 JUROR 450: Yes.

11 CLERK: Juror number 32, is this your  
12 verdict?

13 JUROR 32: Yes.

14 CLERK: Is it still your verdict?

15 JUROR 32: Yes.

16 CLERK: Juror number 12, is this your  
17 verdict?

18 JUROR 12: Yes.

19 CLERK: Is it still your verdict?

20 JUROR 12: Yes.

21 CLERK: Juror number 422, is this your  
22 verdict?

23 JUROR 422: Yes.

24 CLERK: Is it still your verdict?

25 JUROR 422: Yes.

1           CLERK: And juror number 253, is this your  
2 verdict?

3           JUROR 253: Yes.

4           CLERK: Is it still your verdict?

5           JUROR 253: Yes.

6           CLERK: Your Honor, the jury has been  
7 polled.

8           THE COURT: The jury has been polled, it's  
9 a unanimous verdict. Any post-trial motions?

10          MR. PHILLIPS: Yes, Your Honor, we would  
11 renew all prior motions in this trial, and every  
12 other motion I've made, as well as the pretrial  
13 motions.

14          THE COURT: Yes.

15          MR. PHILLIPS: No objection.

16          THE COURT: All right. Yes, sir?

17          Thank you. Any response by the State?

18          MR. STONE: No, sir.

19          THE COURT: All right, the matters were  
20 properly submitted to the jury, for the jury's  
21 consideration. They've studied the evidence  
22 carefully. The evidence was appropriately  
23 placed before them for their consideration.  
24 They have reached a verdict that is unanimous,  
25 and the Court respectfully denies each motion

1           made by each Defendant.

2           MR. PHILLIPS: And the motion for a new  
3           trial.

4           THE COURT: Yes, sir, and the Court  
5           likewise denies a motion for new trial, as to  
6           each Defendant. Ladies and gentlemen, I want to  
7           thank you all.

8           I know you all didn't know what you had in  
9           store coming in here Monday, and you might have  
10          come in as spectators, but all of a sudden, you  
11          got thrown into the mix and realized that it's -  
12          - the burden was totally on your shoulders to  
13          listen to the evidence and stay focused and go  
14          back and deliberate to reach a verdict.

15          Quite obviously, it's a heart-wrenching set  
16          of facts and circumstances here a terrible,  
17          almost unimaginable, but yet these are the facts  
18          of life that we have to deal with in today's  
19          environment.

20          Some things occur that are so extreme you  
21          just wouldn't believe -- or could hardly believe  
22          it to be true. Then you realize in listening to  
23          this case that these things happen and happened  
24          in this case, and we want to thank you for  
25          responding to the call of duty and serving as

1 jurors. You played a very important and  
2 critical function.

3 Certainly, if you had to find yourself  
4 being involved in a trial one way or the other,  
5 you'd love to have 12 jurors who listen, who  
6 takes the job seriously, deliberated, and render  
7 a verdict, and I want to thank each and every  
8 one of you.

9 Now, Mr. Engineer, what type of engineer  
10 are you?

11 THE FOREPERSON: Mechanical sir.

12 THE COURT: Mechanical?

13 THE FOREPERSON: Yes, Sir.

14 THE COURT: My daughter's a civil and  
15 resides in Aiken County, where there's a whole  
16 lot of engineers. And I usually tell the  
17 lawyers, don't put any engineers on the jury,  
18 because they have a hard time -- they analyze so  
19 much that they -- it's being an engineer.

20 You know, of course, I'd never tell her  
21 that, but that's the way it is, but depending on  
22 your training and profession and your level of  
23 expectation on things, I appreciate that. And  
24 that's what makes for a fair and impartial jury  
25 to have people from all walks of life that can

1           come in and deal with things. And, young man,  
2           are you the youngest on the jury? I want to  
3           thank you for having confidence in yourself that  
4           you can be a juror, and to do something that you  
5           probably didn't think you could do, but you did  
6           it, so I want to congratulate you, and everyone  
7           else on the jury.

8           I know that it wasn't easy for any of you,  
9           but that's our system, and our system has  
10          worked. The case was investigated, the case was  
11          presented to the Grand Jury of this County, and  
12          then the case presented to you'all, and you'all  
13          have made a decision, and I support your  
14          decision 100 percent.

15          Now, when you find someone guilty, then it  
16          becomes my responsibility to impose a sentence.  
17          And are you all -- do you need time to prepare  
18          for sentencing?

19          MR. LOY: No, Your Honor.

20          MR. PHILLIPS: I'm ready, but my client may  
21          need a minute.

22          THE COURT: Pardon?

23          MR. PHILLIPS: I'm prepared, but my client  
24          may need a minute with me. Then we can enter  
25          the sentencing phase.

1 THE COURT: Okay, very good. And you all  
2 will --

3 MR. PHILLIPS: Understood.

4 THE COURT: You need to stay in the  
5 courtroom at this point, but certainly can  
6 confer. Do you want the transport people now?  
7 We banned them from the courtroom earlier.

8 If they need to come back --

9 MR. PHILLIPS: She just needs a minute,  
10 Your Honor.

11 THE COURT: Okay, sure, absolutely. Take  
12 your time.

13 MR. PHILLIPS: Thank you.

14 THE COURT: So ladies and gentlemen, you  
15 have no role in the sentencing, that's totally  
16 the responsibility of the Judge.

17 I have found that jurors typically like to  
18 see what happens all the way through the end of  
19 the case.

20 I'm certainly in no rush to impose a  
21 sentence, because this is such a tragic  
22 situation, and as people in Court, they're not -  
23 - and typically, you know, quite often not --  
24 they don't appear the same as they appear when  
25 they commit the crimes, but you're welcome to

1 stay. And we'll just be at ease for a moment  
2 while Mr. Phillips confers with his client.

3 And I'll say that once you are off the  
4 jury, then you're free to talk about the case  
5 with anyone that you might want to talk to about  
6 it, but you're not obligated to talk with  
7 anyone. And if anyone should annoy, harass, or  
8 bother you in any way, let me know, and I will  
9 take care of any interference, or threatening or  
10 bothering jurors.

11 It's punishable, it's a serious crime, and  
12 we take those things seriously. I don't  
13 anticipate that you have anything to worry  
14 about, but we keep the identity of the jurors  
15 private, except for the Forelady, and -- but  
16 you're certainly welcome to talk to anyone that  
17 you might want to. So we're gonna take -- are  
18 you ready now?

19 MR. PHILLIPS: If Your Honor wants to  
20 dismiss the jury, I guess that's appropriate.

21 THE COURT: No, I'm not gonna dismiss them.  
22 They're free to go or free to stay. We'll just  
23 be at ease for just a moment. I'll step out for  
24 just a moment. We'll be at ease for a moment.

25 BAILIFF: All rise.

1 (RECESS)

2 \*\*

3 **SENTENCING HEARING**

4 BAILIFF: All rise. Please be seated.

5 THE COURT: All right, from the State?

6 MR. STONE: Your Honor, I don't believe  
7 there is anything I can add that you don't  
8 already have.

9 You've seen this case; you've seen all the  
10 evidence as the truth. I don't believe there's  
11 anything I could add to that, other than just my  
12 opinion, which is, it's one of the worst things  
13 I've seen in my 30 years as a prosecutor, and I  
14 think they tortured this child. I think she  
15 died by being tortured to death, and I think the  
16 appropriate penalty is life in prison.

17 THE COURT: Any victims want to say -- do  
18 you have any victims here who might want to  
19 speak, or victim's representatives, yeah.

20 MR. STONE: Yes, sir, we have a few family  
21 members, talked with them, and they do not wish  
22 to address. I believe I will check one more  
23 time.

24 THE COURT: If you want to identify for the  
25 record family members?

1 MR. STONE: There's family members here,  
2 but they do not wish to address you.

3 THE COURT: All right.

4 MR. STONE: Thank you.'

5 THE COURT: Do you want to identify them  
6 for the record or no?

7 MR. STONE: I'll ask.

8 THE COURT: All right, very good. For the  
9 defense?

10 MR. LOY: Your Honor, I can bring Mr. King  
11 forward for sentencing any time.

12 THE COURT: You'd prefer to do what?

13 MR. LOY: To have the individuals be  
14 sentenced separately.

15 THE COURT: Yes, sir, that's fine.

16 MR. LOY: Should I bring him now?

17 THE COURT: We'll bring him for sentencing,  
18 but you can speak to me now, and I may speak to  
19 him as well.

20 MR. LOY: Give me just a moment.

21 Your Honor, he has testified, so you know  
22 something of his background. When the Solicitor  
23 says there's not much that he can add, because  
24 Mr. King does not live a life of crime. To the  
25 best of my knowledge, he doesn't have much of a

1 record just a couple, maybe drinking in public,  
2 or something like that, but that is the extent  
3 of it.

4 Mr. King is also not the type of person who  
5 is not going to accept responsibility. I felt  
6 like he made a good impression on the Court  
7 when he told things that were both bad for him,  
8 or as well as good. He put it all out there,  
9 and he accepts the judgment of the jurors and  
10 Court today.

11 Unlike many folks that I have stood with in  
12 the courtroom, when the verdict came in, and it  
13 came in for him, he took it on his feet. He  
14 didn't say a word, and when we sat down, he  
15 turned to me and shook my hand and said, "Thank  
16 you, I know you tried the best you could."

17 And he turned to shake my hand and said,  
18 "Thank you." He doesn't make excuses, he  
19 accepts responsibility. He wants you to know he  
20 has been supported in Court by his family. He's  
21 not one of those people like you see so many of  
22 in Court in General Sessions who have no  
23 friends, no family, et cetera. He has  
24 maintained connection.

25 I spoke with him on the phone yesterday,

1           talked about this proceeding. He told me don't  
2           worry about him; he was having a good day. His  
3           grandson was with him, and he got to play with  
4           him and hold him. I know how terrible this  
5           child died.

6           I also know to a large degree that Mr. King  
7           has lived his life up to that point, and how  
8           he's lived it since. And although he is  
9           convicted of murder, I would submit to the Court  
10          that the overall evidence, the total picture  
11          that you should have of Mr. King at this point  
12          is revealed. As you heard from the witness  
13          stand, he did go subsequent to this incident,  
14          move into a halfway house or a treatment  
15          facility in Spartanburg.

16          He reconnected with his own religion. Says  
17          he's been clean for two years and is clean here  
18          today. Judge, I understand and he understands  
19          what limited latitude the Court really has here  
20          today, as far as sentencing goes, that is from a  
21          30-year to a light sentence on the verdict.

22          I will submit to you, I think he is worthy  
23          of some consideration from the Court, and I  
24          believe he should come in on the low end of  
25          that, that's a 30-year sentence.

1 I know that Mr. King wants to address you  
2 personally. He hasn't reviewed his remarks with  
3 me, but he has asked me could he address Your  
4 Honor.

5 Is Your Honor prepared to hear from the  
6 Defendant?

7 THE COURT: Yes, sir.

8 MR. KING: Your Honor, I just wanted to  
9 apologize to the Court, to the family of  
10 CP I'm sure they are grieving.

11 I want to say to, you know, drugs can ruin  
12 your life, you know, and I've learned that. And  
13 I've learned too that you've got to stand and  
14 stick by the ones that love you, and wants  
15 what's best for you, and run from the ones that  
16 don't.

17 I'm just grateful to God. Thank you.

18 MR. LOY: Your Honor, I believe that's our  
19 presentation.

20 THE COURT: All right. Any reply from the  
21 State regarding Mr. King?

22 MR. STONE: No, sir.

23 THE COURT: Mr. Phillips?

24 MR. PHILLIPS: Thank you, Your Honor. I'm  
25 gonna show the State I have a list of character

1 witnesses that I'd like to hand up to Your  
2 Honor. I know a lot of family and friends. She  
3 has an incredible family support system, a  
4 friend system, and many of them have provided  
5 letters in support of mitigation.

6 And I'll wait and give Your Honor an  
7 opportunity to review, there's a lot there,  
8 so --

9 THE COURT: Okay, first letter, "I know  
10 this wouldn't have happened if she wasn't with  
11 Larry King." "She's paid for her mistakes."  
12 "She's been working, and recently was married."  
13 "Not a criminal." "She's a good person, she's  
14 not a criminal." "Please don't let this one  
15 stupid mistake define who Rita really is."  
16 "Please consider leniency, Judge."

17 So that's one of them, how many? You got a  
18 number there.

19 MR. PHILLIPS: We also have family and  
20 friends that are here to speak on her behalf at  
21 the appropriate time.

22 THE COURT: All right. Next one, "She made  
23 a horrible mistake, there isn't a person in the  
24 world she doesn't love -- that loved CP [REDACTED]  
25 more than Rita." "Don't feel that Rita deserves

1 to spend the rest of her life in prison, people  
2 learn from their mistakes.

3 She made the ultimate mistake that day."  
4 "I believe she will take that \* and teach people  
5 that -- the dangers of leaving a child in a hot  
6 car." "That that lapse of judgment could result  
7 in the ultimate reality." "She's an awesome mom  
8 and grandmom to her family. She wouldn't hurt  
9 anyone." "I'm asking the Courts to find her not  
10 guilty and let her take care of me and take care  
11 of the rest of her family." "Again, I'm asking  
12 the Court to find Rita not guilty." "I'm  
13 writing this letter for Rita, my mother."

14 So we've heard from her Elizabeth Clyde  
15 already.

16 THE COURT: Okay. And you want me to read  
17 this letter as well?

18 MR. PHILLIPS: She'll speak.

19 THE COURT: Okay. A letter from a cousin,  
20 "Rita always wanted to be a teacher. Nothing's  
21 ever come easy for Rita. When she fell in love  
22 with a boy from the Philippines named Wally, my  
23 uncle went nuts. And after the first grandchild  
24 things settled down.

25 Rita and Wally have three girls, the last

1           being CP           She supported Wally with his  
2           endless years in college, and supported the  
3           family until Wally could open his own medical  
4           practice as a chiropractor." "Met Rita two  
5           years ago. She's a caring Christian person who  
6           loves her family and working two jobs to help  
7           her husband financially.

8           She cherishes her husband, children and  
9           grandchildren." "One of the most caring,  
10          supporting persons I know. She's been flawless  
11          as a coworker and team player." "And times to  
12          date where we would sit and discuss the powerful  
13          word of God, Facetime reading our Bible  
14          together.

15          She's an amazing woman, influential I her  
16          faith and her life." And one from her husband.

17          MR. PHILLIPS: He's here as well, Your  
18          Honor.

19          THE COURT: He'll be speaking?

20          MR. PHILLIPS: At the appropriate time he  
21          does wish to address the Court.

22          THE WITNESS: "Rita sat him down to explain  
23          the incident early in the relationship. I did  
24          not -- it did not change the way I feel for her.  
25          I fell in love with her from inside out.

1           She's humble, inspired me to pursue my  
2           lifelong dreams, cries herself to sleep. I know  
3           she misses her daughter. Knowing that she'll be  
4           reunited with he daughter one day gives her hope  
5           and strength.

6           Rita says Larry would never have put  
7           CP [REDACTED] in that car if it wasn't running with  
8           the A/C on. I believe the statement is a  
9           testament to her humility. I don't pay  
10          attention to the negative misinformed reports on  
11          social media.

12          I have faith in our attorney's ability to  
13          present the truth. I please for leniency. I  
14          want my wife to come home, whether it be  
15          probation, or house arrest.

16          She has problematic kidneys and a history  
17          of cancer." The next person met her three or  
18          four years ago, "My name is Wanda Clyde, I'm her  
19          daughter by choice," Rita's daughter.

20          "CP [REDACTED] died, and shocked to learn the  
21          surrounding circumstances. I know she was under  
22          tremendous stress being a single parent, taking  
23          care of a special needs child.

24          I know this was a horrendous accident and  
25          ask for the Court's mercy."

1 MR. PHILLIPS: Respectfully, Your Honor,  
2 I've never seen this done before.

3 THE COURT: Yeah, what do you want? Do you  
4 want me to review them or no?

5 MR. PHILLIPS: Yes, Your Honor.

6 THE COURT: Every person has their process  
7 of doing things.

8 MR. PHILLIPS: Understood.

9 THE COURT: Is there a special way you want  
10 me to review your -- what you gave me?

11 MR. PHILLIPS: No, Your Honor.

12 THE COURT: "Always involved with her  
13 daughter. She pushed CP [REDACTED] around the track.  
14 Welcomed me into her family." This is from a  
15 son-in-law, a character reference. "Known her  
16 almost four or five years, we met at IHOP.

17 She's honestly the best coworker I've ever  
18 had. I was helpful to her when she was  
19 pregnant. She's a spiritual and godly woman,  
20 goes to church almost every Sunday, not a  
21 murderer.

22 What happened to CP [REDACTED] was an accident.  
23 I've known Rita and I believe that she though  
24 the air conditioner was on, and this was an  
25 accident. She does not deserve this, when she's

1           been tortured enough herself. She's a good  
2           woman, and please give her house arrest." From  
3           an elderly retired man that's also disabled,  
4           that Rita showed him nothing but kindness.

5           Used the walker to get around. She's paid  
6           for his meals.

7           Whatever happened to CP that day was  
8           not on purpose. She doesn't have an evil or  
9           malicious bone in her body."

10          A letter now from the eldest daughter, is  
11          she here?

12          MR. PHILLIPS: Yes, Your Honor.

13          THE COURT: And she intends to speak?

14          MR. PHILLIPS: Yes, Your Honor.

15          THE COURT: "Plead for the Judge to show  
16          her mercy. Never been in trouble before.  
17          Pleading for Rita's freedom. I am begging for  
18          leniency and understanding, as well as an  
19          unbiased fair trial, house arrest is the ideal  
20          discipline. Somebody will try to harm her if  
21          she is sent to prison.

22          She's already suffered, punishing her will  
23          not bring my sister back. Someone who is -- has  
24          help translating her letter because her English  
25          is not good. Apparently, runs a restaurant,

1       where the daughters would come to eat, and spend  
2       time with their mother. "Had so much love for  
3       her child. I know in my heart this was an  
4       accident. I've seen Rita cry at work sometimes  
5       over CP [REDACTED] She does not deserve any further  
6       punishment." From a tax advisor, witnessed her  
7       financial struggle in the face of a difficult  
8       divorce.

9               "I'm aware of the charges, and I truly  
10       believe it was not intentional, just not  
11       thinking clearly at the time. She's highly  
12       remorseful." "A loving and caring parent. As a  
13       teacher I was blessed to teach her daughters,  
14       who are honor roll students." She supported her  
15       during her difficult divorce and becoming a  
16       single mother.

17               A friend for 25 years." "I supervised her  
18       since 2023. She can run circles around  
19       associates, who are young enough to be her  
20       children and grandchildren. She's known as a  
21       workhorse." "Rita has called on me as her  
22       spiritual advisor, I pastor a church in Georgia,  
23       and she's given her -- access to her personal  
24       life.

25               She loves children, and she has a great

1 support group of family, friends, coworkers."  
2 Encouraged this person to go to school and  
3 finish their education. "She would never commit  
4 any of the crime.

5 Felt as if she's been -- feels as if she's  
6 been sentenced already." This one knows her  
7 through her ex-husband, who's this person's  
8 third cousin. "Always quick on her feet. Good  
9 moral character." "She's been under pastoral  
10 counseling and care. Has frequently shared  
11 stories and moments that she and CP shared  
12 together at church moments."

13 "She grew to love her whole family, and  
14 wholeheartedly vouch for her character, her  
15 integrity and altruistic nature, her resilience  
16 in the face of adversity. Her unwavering love  
17 for her family and her readiness to serve those  
18 around her.

19 She's an exceptional individual." And  
20 finally, "School Principal for eight years," or  
21 she was a school Principal for eight years. She  
22 was transferred in 1996, thrilled when she was  
23 allowed to transfer to her school, continued to  
24 work as a first-grade teacher.

25 Good relationship with her students,

1 parents, coworkers. Worked on morning bus duty,  
2 would monitor the students. Math coach. Took  
3 her job as an educator very seriously.  
4 Volunteered for many things. A very loving  
5 relationship with her two oldest daughters.  
6 CP [REDACTED] was born later." And she saw what was  
7 placed on Facebook.

8 Is she the person who testified, Ms.  
9 Carter?

10 MR. PHILLIPS: Yes, sir.

11 THE COURT: So this is similar to her  
12 testimony. All right, I reviewed the letters.

13 MR. PHILLIPS: Yes, Your Honor. Her eldest  
14 daughter now.

15 THE COURT: And we'll make all of these  
16 letters a part of the record.

17 MR. PHILLIPS: Thank you, Your Honor.

18 THE COURT: Yes, ma'am. Tell us your full  
19 name.

20 MS. PANGALANGAN: Ashley Pangalangan.

21 THE COURT: Yes, ma'am.

22 MS. PANGALANGAN: I was gonna read my  
23 letter.

24 THE COURT: Said that -- tell me what you  
25 just said.

1 MS. PANGALANGAN: My mother graveyard one  
2 day to see her. It was her birthday a couple  
3 years ago, and that she sat in the car and  
4 rolled the windows up herself in the heat at the  
5 graveyard, because of how terrible, awful she  
6 felt about what happened to my sister.

7 I have to hear her cry every night when I  
8 stay with her. She's not allowed to visit  
9 because of this. She already has suffered so  
10 much, to the point that she rolled herself up  
11 into the car, just to see what my sister went  
12 through, not even aware that I --

13 THE COURT: How long did she stay in the  
14 car with the windows rolled up?

15 MS. PANGALANGAN: I never asked, I just  
16 thought of it. She's suffering. I know it's  
17 awful, but I know in my heart that she never  
18 would have intentionally done it. I love her to  
19 death. I wouldn't be here today without her.  
20 Our love is very strong. She's a good mom.

21 I know, like I said, it sounds cliché at  
22 this point, but from the bottom of my heart  
23 she's a good mom, she raised me good, she made  
24 me responsible, she made me the woman I am  
25 today. I am who I am today because of her.

1 THE COURT: When did you leave home? What  
2 year?

3 MS. PANGALANGAN: Well, honestly, I've  
4 never felt like I left.

5 THE COURT: Oh, you --

6 MS. PANGALANGAN: I mean I have my own  
7 house, but I stay with her every other weekend,  
8 we're very close.

9 THE COURT: Were you staying with her  
10 during this period of time?

11 MS. PANGALANGAN: Yes, sir. I've been with  
12 her every day. I mean, you know, she's lost  
13 probably 16 pounds in the past two months just  
14 because of this. I've been going to church with  
15 her. I admit I haven't before recently, but  
16 I've been starting to go with her now. She's  
17 more spiritual.

18 She's given me faith that I've never had  
19 before, and just to watch her in church, and  
20 raise her hands up and sing and praise God, it's  
21 just \*, because to see her have that strong of  
22 faith in this situation means that I can have it  
23 too. I just felt like it goes without saying,  
24 everyone knows this. And who's gonna help her  
25 like she's helped me? Thank you, sir.

1 THE COURT: Thank you.

2 MR. PHILLIPS: Hi.

3 MS. PANGALANGAN: My name is Elizabeth  
4 Pangalangan, I'd give anything to have CP  
5 here because my sister and I we were the closest  
6 to CP and we're here standing by her  
7 side. We refuse to believe any of the media, we  
8 refuse to believe what anyone else has said.

9 We know her intentions, and she loved  
10 CP so much. She made bad mistakes, she  
11 hung out with people she shouldn't have hung out  
12 with, and she had an addiction at the time that  
13 she has to live with for the rest of her life.  
14 We've already lost our sister, please don't take  
15 our mom away.

16 She has lived with regret every single day.  
17 She has worked so hard at the two jobs that  
18 she's had. She's made manager in each of the  
19 jobs, without even knowing her background. Her  
20 character has pulled her through so much, so  
21 we're just asking for mercy, understanding and  
22 compassion for my mom, please.

23 THE COURT: All right, thank you.

24 THE WITNESS: Good afternoon, Your Honor.

25 THE COURT: Yes, sir.

1 THE WITNESS: My name is Anthony \*, I am  
2 Rita's husband. Rita has been so remorseful,  
3 she really has, I'm sorry, I'm nervous, she  
4 really has. And I pray that you allow her to  
5 come home.

6 THE COURT: When a person is convicted of  
7 murder, there's -- the minimum sentence --

8 THE WITNESS: Will you please allow --

9 THE COURT: The minimum sentence is 30  
10 years, that's the minimum sentence.

11 THE WITNESS: Your Honor --

12 THE COURT: The maximum sentence is life in  
13 prison.

14 THE WITNESS: Yes, sir. Your Honor, when I  
15 watch this video, I believed in my heart the car  
16 was running and the air conditioner was on. And  
17 we hired an attorney, and I watched the second  
18 video, and then all of a sudden, I'd seen the  
19 scene that wasn't in the first video. I'd seen  
20 her go in her car.

21 THE COURT: Yeah, well, I hope you're not  
22 here --

23 THE WITNESS: And I --

24 THE COURT: -- to try to relitigate the  
25 case.

1 THE WITNESS: No, sir, I'm not.

2 THE COURT: Because you didn't testify.

3 THE WITNESS: Sir?

4 THE COURT: We don't need your analysis of  
5 the facts of the case.

6 THE COURT: Sir, I ask the Court for  
7 leniency.

8 THE COURT: Yes, sir.

9 THE WITNESS: Yes, sir, thank you.

10 THE COURT: Thank you. Good afternoon.

11 MR. CLYDE: My name's Taylor Clyde.

12 Elizabeth is my wife. I'm the favorite son-in-  
13 law. I don't want to debate or bring any  
14 attention to any of the facts, but I do want to  
15 testify of the character that I've seen in Rita  
16 throughout my time of being in her family. It  
17 was always lavish Christmas gifts.

18 It was always even with everybody else.  
19 Everyone had to have the same amount, the same  
20 ridiculous amount that I never got growing up.  
21 I always get solid hugs every time we get  
22 together, whether it's at church, whether it's  
23 at holidays, there's always food, we'd eat  
24 together, and always have a ton to bring home.  
25 And after the events of the day in question, we

1 got a chance to move her into the property that  
2 kind of is adjacent to my parent's home.

3 And in her bedroom right above the bed, was  
4 -- it wasn't a shrine, but it was a beautiful  
5 memorial to CP [REDACTED] The blanket was \*, and it  
6 had CP [REDACTED] name on it with a nice poem for  
7 her. Several pictures of her hung on the wall,  
8 and I am not a parent, Your Honor.

9 I mean don't have children at this time in  
10 life, but I -- so I have no idea what it's like  
11 to lose one, but I don't know how she was able  
12 to deal with the pain of going to bed every  
13 night, and waking up looking at the wall of  
14 pictures, and not un, you know, completely  
15 against her will reliving the events that  
16 happened, and living without her.

17 I don't have children yet, Your Honor, with  
18 my wife, but I would very much like to have  
19 their grandmother in their life when they come,  
20 so I ask for leniency as well, thank you.

21 THE COURT: Yes, sir. Thank you. Good  
22 afternoon.

23 MS. TUCKER: My name is Tiawana Tucker, I'm  
24 her coworker. I've known her --

25 THE COURT: A coworker where?

1 MS. TUCKER: At Walmart.

2 THE COURT: Walmart?

3 MS. TUCKER: Yes, sir. I trained Rita  
4 there, and we became friends, and we break  
5 together. Rita moved up very quickly within  
6 Walmart. She's had a huge impact on a lot of  
7 the young girls, the associates. Got a lot of  
8 them. She loves her family. We talk about her  
9 family a lot.

10 She shared a lot of videos of her and  
11 CP with me on breaks. We'd laugh and talk  
12 about CP and about the situation at  
13 hand, and it's a very sad situation. And I  
14 personally don't think her and Larry murdered  
15 that baby, it was a bad choice.

16 THE COURT: Well, you --

17 MS. TUCKER: I'd just ask --

18 THE COURT: -- haven't been here listening  
19 to the law regarding murder, have you?

20 MS. TUCKER: Sir?

21 THE COURT: You haven't been here listening  
22 to the testimony and the law regarding what  
23 constitutes murder.

24 MS. TUCKER: I don't know.

25 THE COURT: Have you been here?

1 MS. TUCKER: No, this is my first time.

2 THE COURT: Your first time coming here?

3 MS. TUCKER: Yes, sir. Rita's a good  
4 person, hardworking. She works ten to 12 hours.  
5 She's a joy, she's a joy, she's a sweetheart.  
6 So she's been advocating and talking to the  
7 young girls and stuff like that.

8 THE COURT: Yes, ma'am.

9 MR. PHILLIPS: Your Honor, Rita wishes to  
10 address the Court in just a second, but in  
11 litigation, obviously, we're not trying to  
12 provide any excuse as to what happened that day,  
13 it's been the common thread with what we  
14 presented in this courtroom. It's an absolute  
15 tragic situation, one that, unfortunately, has  
16 us here today, from one tragedy to another.  
17 Minimum sentence, she and I have discussed that  
18 at length, as to what the sentencing ranges are.

19 It's my position that the minimum sentence  
20 is, essentially, a life sentence, based on the  
21 life tables. And given -- my position is that  
22 we have compelling litigation, her being a  
23 loving mother, being a supportive mother, having  
24 no prior criminal history.

25 The testimony of her character, there's a

1 lot of things outside of this one day. We are  
2 not defined by the worst thing that's ever done.  
3 And being respectful requesting lenience and  
4 mercy, we believe that this would be appropriate  
5 in this case to receive the minimum sentence in  
6 this case.

7 And I understand that's essentially still a  
8 life sentence.

9 THE COURT: How old is she now?

10 MR. PHILLIPS: 53.

11 THE COURT: 53?

12 MR. PHILLIPS: Yes, Your Honor.

13 THE COURT: And the minimum sentence for  
14 murder is 30 years.

15 MR. PHILLIPS: That's correct.

16 THE COURT: So 53 plus 30.

17 MR. PHILLIPS: Yes, Your Honor.

18 THE COURT: All right, if she gets the  
19 minimum sentence.

20 MR. PHILLIPS: Well, as Your Honor heard,  
21 she's served this community for 25 years as a  
22 teacher, did get Teacher of the Year. Again,  
23 it's just a very, very tragic situation. When I  
24 was brought onto this case, she was working as a  
25 manager at IHOP, and then because of insurance

1           took the job at Walmart.

2           In that eight months she received a  
3           promotion and became a manager. And we had one  
4           of her other supervisors here, potentially, as a  
5           character witness.

6           I know there's no words that we can say,  
7           other than we believe it's appropriate in this  
8           case, giving the compelling litigation, not to  
9           go into the legal part, I think that's the next  
10          thing for another matter; but with that, Your  
11          Honor, I just feel given what we have, this is  
12          the sentence that we appropriate, the minimum  
13          sentence would be essentially a life sentence,  
14          and given the fact that this whole case is not a  
15          sentence that can be imposed, is the lifelong  
16          sentence she's given herself for the loss of her  
17          child. That can't be overstated.

18          None of that was lip service. None of that  
19          was courtroom drama or manufactured. She is  
20          tortured at the loss of her child, that is real.  
21          She has real remorse. She deserves leniency and  
22          mercy and the minimum sentence in this case,  
23          Your Honor, specifically.

24          MS. PANGALANGAN: That day was the worst,  
25          most tragic day of my life. I was born in

1 Georgia.

2 When I put my baby -- or had Larry put my  
3 baby in the back of that car, the air  
4 conditioning was on. Well, you know, it was on  
5 when I checked her at 12:30. I should have gone  
6 back out there to her more. I should have broke  
7 out that window when the car was locked.

8 I don't even know why I didn't. I should  
9 have busted out that window. I should have got  
10 my baby out of that car, but I didn't, and I  
11 have to live with that for the rest of my life.

12 Nobody loved CP [REDACTED] more than I did. I  
13 was working four jobs to get a wheelchair for  
14 her. I would never hurt my baby. I can't  
15 believe that I am convicted for murder, because  
16 what happened was not murder, it was negligent,  
17 and whether I'm in prison or home, I will regret  
18 it for the rest of my life.

19 I can't wait to be with my baby girl again.  
20 Thank you, Your Honor. I know that I would  
21 never, ever sit outside that car and watch my  
22 baby suffer. I loved her. I loved her more  
23 than anything in this world. And I'll tell you  
24 what, Larry would never have hurt her.

25 We were arguing that day, and I didn't want

1 to do it in front of her. It was not murder; it  
2 was not intentional.

3 THE COURT: Well, you know, you didn't  
4 write the law, and you weren't thinking about  
5 the law on that day, were you?

6 MS. PANGALANGAN: No, sir. And like I said  
7 everyone who I talked to; I told them should  
8 have made better choices. I should have got in  
9 that car, like Larry wanted me to, and I should  
10 have taken my baby home. I can't live there  
11 without her.

12 THE COURT: Anything else you want to tell  
13 me?

14 MS. PANGALANGAN: No, sir. Just please  
15 have mercy on us. We loved her so much.

16 THE COURT: All right, response by the  
17 State?

18 MS. STONE: No, sir.

19 THE COURT: The conduct of the Defendants  
20 in this case has been represented now by the  
21 defense that it's not a traditional murder.  
22 It's not where you pull a gun and shoot someone  
23 in the head, but your conduct had become so  
24 extremely reckless, that it constitutes a  
25 willful disregard for human life, and

1           constitutes murder.

2           To place the child in a burning car, in  
3 effect, and walking away is murder. To leave a  
4 child in a car for six hours, under the  
5 circumstances that occurred in this case, is  
6 murder. It's not one of the situations that we  
7 see, and there have been studies most recently,  
8 where people forget about the child, believe  
9 that they have dropped the child off for  
10 daycare, and various things, but that's not this  
11 situation, where there is absolute total  
12 disregard for the child.

13           Considering that the two of you were there  
14 around the car any number of times without doing  
15 anything to save this child's life and  
16 contributing to the child's death. And all the  
17 good things I've heard today, you know, being a  
18 teacher, being a concerned person, being a  
19 wonderful friend, person of faith, you know,  
20 that wasn't a person there on that day when  
21 you'all were on this drug binge, at least as  
22 described by Mr. King.

23           And, you know, I've said it before, the  
24 people we see in court are typically not the  
25 people that were out on the streets doing the

1 things that landed them in court, and it doesn't  
2 get any worse than this, as it relates to a  
3 mother and a child, and a person with the mother  
4 dealing with the child.

5 So the offense that you committed was  
6 murder, and that's all there is to it. Of  
7 course you'd love the opportunity to turn back  
8 the hands of time, but you can't do it. Of  
9 course you will continue to suffer for what  
10 happened to your child, and but for being strung  
11 out on meth, and I've seen it time and time  
12 again. Was it methamphetamine we're dealing  
13 with?

14 MR. PHILLIPS: Yes, sir.

15 THE COURT: Yeah, but for methamphetamine  
16 and dealing with it, neither of the two of you  
17 would be here, but those were decisions that  
18 you'all made; and to the extent your minds were  
19 just totally contorted and, you know, I don't  
20 know the minds of a person on meth, but I've,  
21 you know, paid close attention to the witness  
22 who testified convincingly about the effects of  
23 methamphetamine on the brain, just as if you  
24 didn't have a brain on that day, at that time.  
25 And, you know, we're hearing about this mistake

1 and bad judgment, and all the, you know, I see  
2 it all the time with children, people we deal  
3 with, all the time.

4 I call them children, 18-year-olds, 19-  
5 year-olds, 20-year-olds, people who do the same  
6 types of things, skilled people, because they're  
7 strung out on drugs, high on drugs, and, you  
8 know, the life sentence for them is more than  
9 the life span that you're talking about, because  
10 they're going to prison at ages 20, 21, 22, 23  
11 for life.

12 And you don't have the excuse that they  
13 might come in here with. Of course, none of it  
14 is acceptable, but they will come in, strung out  
15 on drugs, parents strung out on drugs, all kinds  
16 of things that play into them going wayward,  
17 going astray. And for you, a person who had a  
18 good reputation in the community to throw it  
19 away chasing drugs, and then come in and ask me  
20 for leniency?

21 And I'm trying to balance who is more at  
22 fault here really, Mr. King or Ms. Pangalangan,  
23 it's almost a tossup.

24 Mr. King put the child in the car, and per  
25 the video was just -- didn't care anything about

1 the child. Left the child there to die, while  
2 they're pursuing each other. It's just so --  
3 it's almost unbelievable.

4 How could you'all do such a thing? And you  
5 can do such a thing; because you were hooked on  
6 drugs, hooked on meth.

7 MS. PANGALANGAN: I have never -- I have  
8 always been anti-drug.

9 THE COURT: Pardon?

10 MS. PANGALANGAN: I divorced my first  
11 husband because he was an addict. I did not do  
12 drugs. I never did drugs. It was just during  
13 that weekend, and I told my lawyer that several  
14 times, but I don't use drugs, and I wish that I  
15 could show you that drug was not a part of my  
16 life.

17 THE COURT: Yeah, we --

18 MS. PANGALANGAN: Never have.

19 THE COURT: That makes you having less of  
20 an excuse, less justification. Your mind wasn't  
21 screwed up, as you're telling us now.

22 MS. PANGALANGAN: Oh it was that weekend.  
23 I was not a drug user, never.

24 THE COURT: A mother who is not under the  
25 influence would leave their child in a car under

1           those circumstances for five, six hours, who  
2           would -- knew the child was in the car, and knew  
3           the child had been in the car for that period of  
4           time, and drive off and leave the child, how  
5           could you?

6           Anything further?

7           MR. PHILLIPS: No, sir.

8           MR. STONE: No, thank you.

9           MR. PHILLIPS: Not as an excuse, but to  
10          better clarify her position, her position about  
11          the first time she used drugs, is what she's  
12          saying. She didn't have a pattern of conduct of  
13          abusing drugs, but that was the first weekend  
14          she had done it.

15          THE COURT: That's his first time as well?

16          MR. LOY: No, no. He testified to that.

17          THE COURT: Yes, sir.

18          MR. LOY: He testified he was an addict.

19          When I talked to him about the  
20          possibilities, he was accepting of his  
21          sentence. It was going to be imposed one  
22          way or the other, he can do it gracefully,  
23          and he has done it gracefully and accepted  
24          the verdict of the Court.

25          THE COURT: Then help me clarify in my

1 mind, who is the most culpable out of this  
2 situation, or are they equally culpable?

3 Are there -- whose conduct was the most  
4 extreme? A mother who abandons her child in  
5 that setting, and does nothing to rescue the  
6 child, who chooses Mr. King and her own pleasure  
7 over the child, or Mr. King, who throws the  
8 child -- he didn't throw her, places the child  
9 in the back of the car and shows no concern,  
10 compassion or anything for the child, and in  
11 effect joins with the mother in the treatment of  
12 the child.

13 MR. LOY: It wasn't his child.

14 THE COURT: Though it wasn't his child, he  
15 initiated his role in it when he placed the  
16 child in the back of the car, and when he did  
17 nothing to get the child out of the car.

18 MR. LOY: On behalf of Mr. King and in  
19 response to Your Honor's --

20 THE COURT: Yes, sir.

21 MR. LOY: -- inquiry --

22 THE COURT: Yes, sir.

23 MR. LOY: -- in all my interviews with him  
24 and all my conversations with him, he doesn't  
25 want a thing, or in some way to minimize his

1 involvement or his culpability by saying, well,  
2 she's worse, he's worse. Your Honor, what he's  
3 done, he owns the conduct. He was candid on the  
4 stand. He accepted it gracefully.

5 THE COURT: And I appreciate that and  
6 you've said that repeatedly, and I accept it,  
7 and I appreciate that.

8 MR. LOY: Well, when Your Honor asked who  
9 was more culpable --

10 THE COURT: In my mind I'm trying to make  
11 that determination, because I'm gonna have to  
12 sentence each one of them to a period of years.  
13 They might get the same. One might get 30, one  
14 might get 40, one might get 50 --

15 MR. LOY: To the extent, Your Honor --

16 THE COURT: -- one might -- they might each  
17 get the same.

18 MR. LOY: To the extent, Your Honor, I  
19 would point out the reasons she's more culpable,  
20 Mr. King is not gonna do that. He owns his  
21 conduct.

22 THE COURT: All right, I understand, thank  
23 you. And I'm not attempting to pit one against  
24 the other, I'm just, you know --

25 MR. LOY: Yes, sir.

1 THE COURT: Mr. Solicitor?

2 MR. STONE: I tried to stay quiet, and I'm  
3 sorry.

4 THE COURT: And I don't like for people to  
5 stay quiet on me.

6 MR. STONE: I can't. You know, before the  
7 case comes to you, it has to go through --  
8 they're both here together today because of  
9 that. I couldn't make that decision.

10 I could not decide which was worse, because  
11 the more I looked at the video, which I have  
12 done I assure you more than just about anybody  
13 even in this courtroom, I just kept getting  
14 madder and madder. And, honestly, I could not  
15 make a determination who I was more angry at.

16 The man who is putting the child in the  
17 car, and just stands there, or the mother that  
18 abandons the child even before we get to that  
19 situation. And I've heard the support groups  
20 that these people have, Your Honor, like you,  
21 I've been in the courtroom for a long time, and  
22 we deal with a lot of people who don't have any  
23 support whatsoever.

24 And to have it -- I don't think that's  
25 mitigation, I think that's aggravation.

1           Sir, I cannot tell you which one is more  
2           culpable, and, quite frankly, from my  
3           standpoint, I don't feel for either one of them.

4           THE COURT:   What is the penalty for great  
5           bodily injury?

6           MR. STONE:   20, and that's zero to 20.

7           THE COURT:   Yes, sir.   And I looked it up  
8           before, I just --

9           MR. STONE:   Yes, sir.

10          THE COURT:   -- wanted to be sure.   All  
11          right, Mr. King, if you'll come around for  
12          sentencing.

13          MR. KING:   Yes, sir.

14          THE COURT:   Mr. King, the sentence of the  
15          Court on the offense of murder, that you be  
16          committed to the State Department of Corrections  
17          for a period of 32 years.

18          For great bodily injury the sentence is 20  
19          years.   The sentences will run concurrent with  
20          credit for any time that you've already served.

21          MR. LOY:   Thank you, Your Honor.

22          MR. KING:   Thank you, Your Honor.

23          THE COURT:   Thank you'all.

24          Ms. Pangalangan, you know, a lot of folks  
25          have said a lot of good things about you, and a

1 lot of positive impacts that you made on their  
2 lives. You're not being sentenced to death, you  
3 won't be facing a firing squad, or a gas  
4 chamber, or electric chair, your life goes on,  
5 but it will go on behind bars, and you'll still  
6 have that same opportunity to make a positive  
7 impact on the lives of other people who you  
8 encounter, and I hope you do that.

9 I simply cannot fathom a mother treating a  
10 child the way you did, and allowing that to  
11 happen to a child, to your child, a child that  
12 you birthed.

13 MS. PANGALANGAN: Yes, sir.

14 THE COURT: Yeah. I don't know if the  
15 child, at some point, became a burden. I don't  
16 know what the circumstances were that would lead  
17 you to place the child in that situation, and as  
18 if you left and went to Atlanta, Georgia, or  
19 maybe we'll say -- not Charleston, to Myrtle  
20 Beach, and went there and got on the beach in  
21 the water a few hours, and then came back, and  
22 then decided that it's a frantic situation.

23 You did it, and you have to live with it.  
24 And as bad as the conduct of Mr. King was, yours  
25 was worse in my mind. And, you know, you can

1 talk about intent, where you have rational  
2 thinking minds, but extreme recklessness brought  
3 upon by drugs and alcohol, as we said,  
4 intoxication is not a defense and not an excuse,  
5 that's what, in effect, you're asking, and it's  
6 not.

7 The sentence of the Court is that you be  
8 committed to the State Department of Corrections  
9 for a period of 37 years on murder, 20 years on  
10 great bodily injury.

11 The sentences will run concurrent, and  
12 you'll receive credit for time served.

13 Do we have the number of days of credit  
14 that they're entitled to?

15 MR. PHILLIPS: 39, Your Honor.

16 THE COURT: Let's see, credit for 39 days.  
17 And Mr. King, do we know how many days he gets  
18 credit for?

19 MR. PHILLIPS: No, Your Honor.

20 THE COURT: The other guy left, Mr. -- the  
21 lawyers? Does anyone know? I'll just have that  
22 calculated by the Department of Corrections.

23 MR. PHILLIPS: Under the Green case that I  
24 presented earlier for the one homicide and one  
25 punishment rule. Based off that there could be



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**CERTIFICATE OF REPORTER**

\*\*\*

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14<sup>th</sup> Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 1st Day of September 2023.

I do further certify that I am not related, of counsel, or interest to any party hereto.

This, the 29th day of March 2024.



-----  
Kymberlee M. Williams, CSR/RPR

WITNESSES

CCSO  
*Cap. J.W. ...*

DOCKET NO. 2019GS1500780

The State of South Carolina  
County of Colleton

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

August Term 2020

hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2019A1510100466

THE STATE

vs.

Larry Eugene King

ACTION OF GRAND JURY

*True Bill*

Indictment For  
Murder

SC Code: 16-3-10

CDR Code: 0116

*Tammy Coats*  
Foreperson of Grand Jury  
Date: *8/6/2020*

Defendant

VERDICT

*Guilty*

Witness:

*Patricia Niles*  
Foreperson of Petit Jury  
Date: *9-1-2023*  
INDICT

C.C.C. PLS. and G.S.

2020 AUG -6 AM 11: 46

COLLETON COUNTY  
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA )

COUNTY OF COLLETON )



INDICTMENT

2019GS1500780

At a Court of General Sessions, convened on August 6, 2020, the Grand Jurors of Colleton County present upon their oath:

Murder

That in Colleton County, South Carolina, on or about August 5, 2019, the Defendant, Larry Eugene King, did, with malice aforethought and wanton or reckless disregard for human life, kill [REDACTED] and [REDACTED] did die as a proximate result of Larry Eugene King's actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

*George M. Stovall*

Solicitor



STATE LARRY EUGENE KING INDICTMENT/CASE#: 2019GS1500780

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PTUP after \_\_\_\_\_ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

\*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)			\$100	\$ <u>100<sup>00</sup></u>
§14-1-211 (A)(2)(DUI Surcharge)			\$100	\$ _____
§56-5-2995 (DUI Assessment)			\$12	\$ _____
§56-1-286 (DUI Breath Test)			\$25	\$ _____
§14-1-212 (Law Enforce. Funding)			\$25	\$ <u>25<sup>00</sup></u>
§14-1-213 (Drug Court Surcharge)			\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)			\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)			\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)			\$40/ea	\$ _____
3% to County (if paid in installments)			TBD	\$ <u>3<sup>75</sup></u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees			\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund			TBD	\$ _____

TOTAL \$ 128<sup>75</sup>

Clerk of Court/Deputy Clerk: Rebecca H. Hell  
Court Reporter: Kimberla Williams

Presiding Judge: [Signature]  
Judge Code: 212.7  
Sentence Date: September 1, 2023

**WITNESSES**

Colleton County Sheriff's Office

*J.W. Chapman*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ARREST WARRANT NUMBER**

**DIRECT INDICTMENT**

\_\_\_\_\_

**ACTION OF GRAND JURY**

*Tome Bill*

*[Signature]*  
Foreperson of Grand Jury

Date: *10/6/2022*

**VERDICT**

*Guilty*

*[Signature]*  
Foreperson of Petit Jury

Date: *9-1-2023*  
INDICT

**DOCKET NO. 2022GS1500709**

**The State of South Carolina  
County of Colleton**

**COURT OF GENERAL SESSIONS**

**October Term 2022**

**THE STATE**

vs.

**Larry Eugene King**

**Indictment For  
Great Bodily Injury on Child**

SC Code: 16-3-95(A)

CDR Code: 2766

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA )  
COUNTY OF COLLETON )

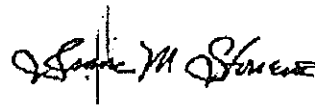
INDICTMENT  
2022GS1500709

At a Court of General Sessions, convened on October 6, 2022, the Grand Jurors of Colleton County present upon their oath:

**Great Bodily Injury on Child**

That in Colleton County, South Carolina, on or about August 6, 2019, the Defendant, Larry Eugene King, did inflict great bodily injury upon [REDACTED], a child at the time of said great bodily injury, that created a substantial risk of death or which caused serious or permanent disfigurement, or protracted loss or impairment of the function of the child's bodily member or organ, all in violation of Section 16-3-95(A), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



\_\_\_\_\_  
Solicitor

STATE LARRY EUGENE KING

INDICTMENT/CASE#: 2022GS1500709 ✓

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF COLLETON

STATE

INDICTMENT/CASE#: 2022GS1500709

VS.

LARRY EUGENE KING

AW#: DIRECT INDICTMENT

AKA:

Date of Offense: 08/05/2019

Race: White Sex: Male Age: 41

S.C. Code §: 16-3-95(A)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 2766

Address: [REDACTED]

City, State, Zip:

SENTENCE SHEET

DL#\* \_\_\_\_\_ SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or PLEADS

TO: Infliction of Great Bodily Injury on a Child

In violation of § 16-3-95 (a) of the S.C. Code of Laws, bearing CDR Code # 2766

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

*[Signature]*  
Solicitor SC Bar # 11883

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 20 days/months/1 years/Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment

of \$\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 55 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

STATE

LARRY EUGENE KING

INDICTMENT/CASE#: 2022GS1500709

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmnts. of \$ _____ Beginning _____		
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100<sup>00</sup></u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25<sup>00</sup></u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>3<sup>75</sup></u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
<b>TOTAL</b>		\$ <u>128<sup>75</sup></u>

Clerk of Court/Deputy Clerk: Rebecca H. Hill  
Court Reporter: Kemberlee Williams

Presiding Judge: \_\_\_\_\_  
Judge Code: 8  
Sentence Date: September 2, 2022

**CERTIFICATE OF COUNSEL FOR APPELLANT**

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins  
Senior Appellate Defender

**RECEIVED**

**Apr 15 2025**

**SC Court of Appeals**

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 15<sup>th</sup> day of April, 2025.

**RECEIVED**

**Apr 15 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Colleton County

Honorable Clifton Newman, Circuit Court Judge

\_\_\_\_\_  
THE STATE,

RESPONDENT,

V.

LARRY E. KING,

APPELLANT

APPELLATE CASE NO. 2023-001445

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Tommy Evans, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 15<sup>th</sup> day of April, 2025.



\_\_\_\_\_  
Kathrine H. Hudgins  
Senior Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT