

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**Jan 20 2026**  
S.C. SUPREME COURT

Certiorari to Beaufort County

Honorable Frank R. Addy, Jr., Circuit Court Judge

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DALE E. KING,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001062

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APPENDIX

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## INDEX

|                                                                      |     |
|----------------------------------------------------------------------|-----|
| INDEX .....                                                          | i   |
| TRIAL TRANSCRIPT DATED DECEMBER 9, 2019 .....                        | 1   |
| APPLICATION FOR POST-CONVICTION RELIEF .....                         | 312 |
| RETURN.....                                                          | 319 |
| APPLICANT’S AMENDED APPLICATION.....                                 | 325 |
| POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED APRIL 14, 2025 ..... | 328 |
| FORM 4 ORDER OF DISMISSAL .....                                      | 358 |
| ORDER OF DISMISSAL.....                                              | 361 |
| INDICTMENT .....                                                     | 371 |

**[THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:  
FROM TRIAL- STATE'S EXHIBIT 3 D (PHOTO)]**

STATE OF SOUTH CAROLINA  
BEAUFORT COUNTY

IN THE COURT OF GENERAL SESSIONS  
CIRCUIT COURT DIVISION  
2017-GS-07-00810

-----x  
State of South Carolina, :  
 :  
Plaintiff, :  
 :  
vs. : TRANSCRIPT OF TRIAL  
 : VOLUME I  
 : PAGES 1 - 115  
 :  
Dale Eugene King, :  
 :  
Defendant. :  
-----x

December 9, 2019  
Beaufort, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge Presiding.

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## I N D E X

|                           |     |
|---------------------------|-----|
| PROCEEDINGS               | 3   |
| WITNESS: JOSHUA DOWLING   |     |
| Voir Dire Examination (S) | 65  |
| Cross-Examination         | 81  |
| WITNESS: Charles Raley    |     |
| Voir Dire Examination     | 85  |
| WITNESS: BESSIE BATES     |     |
| Voir Dire Examination     | 94  |
| WITNESS: TRISH BRUBAKER   |     |
| Voir Dire Examination     | 98  |
| PROCEEDINGS CONTINUED     | 116 |

## E X H I B I T S

| ITEM NUMBER | DESCRIPTION          | PAGE |
|-------------|----------------------|------|
| C-1         | Miranda Warning Form | 75   |
| C-2         | Defendant's Reply    | 101  |

## P R O C E E D I N G S

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## BEAUFORT, SOUTH CAROLINA

(Whereupon, the following proceedings were held in open court. The Defendant was present with his attorney, along with counsel for the State.)

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(Whereupon, the following proceedings were held in open court. The Defendant was present with his attorney, along with counsel for the State.)

1 THE COURT: Ladies and Gentlemen, my name is Ed  
2 Dickson. I am the resident Circuit Court Judge for  
3 the First Judicial Circuit. The First Judicial  
4 Circuit is made up of Orangeburg, Dorchester and  
5 Calhoun Counties and every now and then they let me  
6 get out of there and come to the big town, so I'm  
7 here. I'm glad to be here.

8 I know you all are excited to be here, and the  
9 good news is, we've got, as far as I know, we've got  
10 at least two trials going this week.

11 We're going to pick a Jury in this case and then after  
12 we pick a Jury in this case, those of you who don't

1 get picked for this one will get to go, I guess, next  
2 door? I guess, and then get another chance to be  
3 picked on another Jury. I think that's right.

4 THE CLERK: We'll stay right here.

5 THE COURT: Oh, you all are going to stay here  
6 and I move?

7 THE CLERK: You get to move.

8 THE COURT: Oh, yeah. I guess that makes more  
9 sense. All right. If we finish up any of these  
10 earlier, there may be something else later on this  
11 week? Anyway, there's a chance for all of you all to  
12 get to serve on Jury Duty, but unfortunately, all of  
13 you all won't get to serve, so you may miss that  
14 opportunity, but I'm hoping you will get to serve on a  
15 Jury.

16 Ms. Swanson, are you - okay. Ms. Swanson, do you  
17 want to call your case?

18 MS. SWANSON: Yes, sir. Thank you. The State  
19 calls Dale King. This is indictment number 2017-GS-  
20 07-00810, and he is indicted for murder.

21 THE COURT: Ms. Swanson, could you introduce  
22 anybody else at your table.

23 MS. SWANSON: Yes, sir. My name is Hunter  
24 Swanson. I'm an Assistant Solicitor here in the 14<sup>th</sup>  
25 Circuit, which is comprised of five counties. I have

1 been with our elected solicitor, Duffie Stone, for 12  
2 years. Sitting with me is Kimberly Smith, another  
3 Assistant Solicitor with our circuit as well as Josh  
4 Dowling, Investigator with Beaufort P.D.

5 THE COURT: Thank you, ma'am. Is anyone in the  
6 Jury panel related by blood? Can you all hear me?  
7 All right, Ladies and Gentlemen, we're back. Is any  
8 member of the Jury panel related by blood or marriage  
9 or a close personal friend of Ms. Swanson, Ms. Smith,  
10 any attorneys or employees of the Beaufort Solicitor's  
11 Office? If so, would you please stand at this time?  
12 (No indication)

13 THE COURT: No one is standing. Oh, wait a  
14 minute.

15 THE PROSPECTIVE JUROR: I do know Ms. Smith.

16 THE COURT: Hold on a second. Your name please,  
17 sir?

18 THE PROSPECTIVE JUROR: Augustus Mitchum.

19 THE COURT: What's your number?

20 THE PROSPECTIVE JUROR: 203

21 THE COURT: 203? All right, Mr. Mitchum, you  
22 said you know Ms. Smith?

23 THE PROSPECTIVE JUROR: And Ms. Swanson, yes.

24 THE COURT: Oh, you know both of them? The fact  
25 that you know both of them, would that affect your

1 ability to listen to the evidence in this case and  
2 render a fair and impartial verdict?

3 THE PROSPECTIVE JUROR: No, sir.

4 THE COURT: Okay. If you'd please stay with us,  
5 then. Thank you, sir. Has any member of the Jury  
6 Panel or a member of your immediate family ever been  
7 represented by member of - someone who works in the  
8 Solicitor's Office? If so, please stand at this time.

9 (No indication)

10 THE COURT: No one is standing.  
11 Has any member of the Jury Panel or a member of your  
12 immediate family ever been involved in a case that the  
13 Solicitor's Office represented the other side of? If  
14 so, please stand at this time.

15 (No indication)

16 THE COURT: No one is standing. Oh, yes sir.  
17 And you are number -- ?

18 THE PROSPECTIVE JUROR: 219.

19 THE COURT: Juror number 219. Juror number 219,  
20 the fact -- was it you or a member of your immediate  
21 family?

22 THE PROSPECTIVE JUROR: An immediate family  
23 member, O'Brien, is being prosecuted by the  
24 Solicitor's Office currently.

25 THE COURT: All right. The fact that you have a



1 member of your immediate family who is being  
2 prosecuted by the Solicitor's Office, would that  
3 affect your ability to listen to the evidence in this  
4 case and render a fair and impartial verdict?

5 THE PROSPECTIVE JUROR: No, sir.

6 THE COURT: All right. Stay with us then. Thank  
7 you, sir. I don't see anybody else standing. My  
8 courtroom is usually a lot smaller, so you all  
9 will just have to get used to me, kind of, going  
10 this way. All right. Ms. Campbell, you  
11 represent Ms. King? Would you mind introducing  
12 yourself and Mr. King?

13 MS. CAMPBELL: Thank you, Your Honor. I sure  
14 will. My name is Trasi Campbell. I moved to Beaufort  
15 County in 1991. In the last four years, I am covering  
16 all five counties in your circuit as Chief Public  
17 Defender for the violent crimes division. I am happy  
18 to be here with you today.

19 Dale, if you would like to stand up so that the  
20 Jurors can hear you and get a look at you, so they  
21 know whether or not they know you from anywhere around  
22 town. Thank you, Judge.

23 THE COURT: Thank you, ma'am. Is any member of  
24 the Jury Panel related by blood or marriage or a close  
25 personal friend of Ms. Campbell or anyone who works in

1 the Public Defender's Office? If so, please stand at  
2 this time.

3 (No indication)

4 THE COURT: No one is standing.

5 Has any member of the Jury Panel or a member of  
6 your immediate family been represented by Ms. Campbell  
7 or the Beaufort County Public Defender's Office? If  
8 so, please stand at this time.

9 (No indication)

10 THE COURT: No one is standing.

11 Finally, has any member of the Jury Panel or a  
12 member of your immediate family been involved in a  
13 case that Ms. Campbell or someone from the Public  
14 Defender's Office represented the other side. If so,  
15 please stand at this time.

16 (No indication)

17 THE COURT: No one is standing.

18 Ladies and Gentlemen, there are a number of  
19 witnesses, potential witnesses, who may be called in  
20 this case. I am going to read out the list of  
21 potential witnesses and then I will ask you if any of  
22 you all know those people, if you'll stand up and if  
23 that will affect your ability to be fair and impartial  
24 in this case. Oh, I forgot to ask you.

25 Is anybody in the Jury Panel related by blood or

1 marriage or a close personal friend of Mr. Dale King,  
2 the Defendant in this case? If so, please stand at  
3 this time.

4 (No indication)

5 THE COURT: No one is standing.

6 The following people are potential witnesses in this  
7 case and the first on the list is Dr. Nick Batalis at  
8 MUSC. Did I pronounce the name correctly?

9 Bessie Bates, who lives at St. Helena, South  
10 Carolina. Jerome Bates, who also lives at St. Helena,  
11 South Carolina. Matt Bowsher?

12 Mr. Bowsher, who is with the Fire Department.  
13 Trish Brubaker with the Beaufort Police Department.  
14 Josh Dowling, who you've already been introduced to,  
15 with the Beaufort Police Department. A. J. Drake, who  
16 is with EMS. Robert Frazier, who lives in Beaufort,  
17 South Carolina. Daniel Jayne, Beaufort Police  
18 Department. Naomi King. Atul Patel, who works at the  
19 Oasis Inn. Chetan "Chet" Patel, who works at Country  
20 Inn and Suites. Charles Raley with the Beaufort  
21 Police Department and Paul Watts and the Beaufort  
22 Police Department.

23 Ms. Swanson, are there any other possible  
24 witnesses other than those?

25 MS. SWANSON: No, sir, but Paul Watts is actually

1 just Beaufort, South Carolina. He lives behind the  
2 Shell Station.

3 THE COURT: Oh, Beaufort Police Department?

4 MS. SWANSON: Beaufort, South Carolina.

5 THE COURT: All right. Ladies and Gentlemen, if  
6 any member of the Jury Panel is related by blood or  
7 marriage or a close personal friend of any of these  
8 witnesses, I need you to stand at this time.

9 THE PROSPECTIVE JUROR: Your Honor, I do work for  
10 the City of Beaufort.

11 THE COURT: You work for where?

12 THE PROSPECTIVE JUROR: The City of Beaufort.

13 THE COURT: You work for the City of Beaufort?  
14 All right. Does the fact that you work for the City  
15 of Beaufort, would that affect your ability to listen  
16 to the evidence in this case and render a fair and  
17 impartial verdict?

18 THE PROSPECTIVE JUROR: No, sir.

19 THE COURT: And your Jury number again, is what?

20 THE PROSPECTIVE JUROR: 273.

21 THE COURT: 273? All right. Thank you, ma'am.  
22 Anybody else?

23 (No indication)

24 THE COURT: No one else is standing.

25 Ms. Campbell, any other possible witnesses that I

1 should ask about?

2 MS. CAMPBELL: Not from the Defense, Your Honor.

3 THE COURT: Thank you, ma'am. Is any member of  
4 the Jury Panel related by blood or marriage or a close  
5 friend of a person who works in law enforcement? Any  
6 law enforcement agency.

7 If so, please stand at this time.

8 Your Juror number, please?

9 THE PROSPECTIVE JUROR: 78.

10 THE COURT: 78? Juror Number 78, is it someone  
11 you are related to by blood or marriage or a close --  
12 someone your related to by blood or marriage?

13 THE PROSPECTIVE JUROR: Yes, Your Honor.

14 THE COURT: What law enforcement agency?

15 THE PROSPECTIVE JUROR: Retired, Fairbanks  
16 County, Virginia.

17 THE COURT: Again, the fact that you are related  
18 to someone who is retired law enforcement, would that  
19 affect your ability to listen to the evidence in this  
20 case and render a fair and impartial verdict?

21 THE PROSPECTIVE JUROR: No, sir.

22 THE COURT: Okay, if you'd stay with us then.  
23 Yes, ma'am, you've worked for the city and you know  
24 people that are on the Beaufort --

25 THE PROSPECTIVE JUROR: Well, my husband was with

1 law enforcement.

2 THE COURT: Oh, your former husband was in law  
3 enforcement? All right. Again, you are Juror number  
4 -- ?

5 THE PROSPECTIVE JUROR: 273.

6 THE COURT: 273. The fact that your former  
7 husband was in law enforcement, would that affect your  
8 ability to listen to the evidence in this case and  
9 render a fair and impartial verdict? It would not?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Okay. If you'd stay with us, please  
12 ma'am.

13 Yes, sir?

14 THE PROSPECTIVE JUROR: My godfather and my  
15 children work for the Beaufort County Sheriff's  
16 Department.

17 THE COURT: Your Juror number?

18 THE PROSPECTIVE JUROR: 108.

19 THE COURT: 108. The fact that your godfather  
20 works for the Beaufort Sheriff's Department?

21 THE PROSPECTIVE JUROR: Sheriff's Department.

22 THE COURT: Would that affect your ability to  
23 listen to the evidence in this case and render a fair  
24 and impartial verdict? I have got to complete the  
25 question before you say no.

1 THE PROSPECTIVE JUROR: I'm sorry.

2 THE COURT: Okay. Thank you, sir.

3 Yes, ma'am. Your number?

4 THE PROSPECTIVE JUROR: Juror 166.

5 THE COURT: 166. Is it related by blood or  
6 marriage or a close personal friend?

7 THE PROSPECTIVE JUROR: A relative.

8 THE COURT: A relative that is in law  
9 enforcement?

10 THE PROPSECTIVE JUROR: Retired.

11 THE COURT: Retired? The fact that a relative of  
12 yours is retired law enforcement, would that affect  
13 your ability to listen to the evidence in this case  
14 and render a fair and impartial verdict?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Thank you, ma'am. If you'd stay with us.

17 Yes, ma'am? Your number?

18 THE PROSPECTIVE JUROR: To clarify, is this just  
19 from Beaufort County?

20 THE COURT: No, ma'am.

21 THE PROSPECTIVE JUROR: Anywhere? Yes, my  
22 daughter is an assistant U.S. attorney.

23 THE COURT: Any you are number -- ?

24 THE PROSPECTIVE JUROR: 74.

25 THE COURT: The fact that your daughter is an

1 assistant U.S. attorney, would that affect your  
2 ability to listen to the evidence in this case and  
3 render a fair and impartial verdict?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: If you'd stay with us, then. Thank  
6 you, ma'am.

7 All right. I think that was all that were  
8 standing. Is any member of the Jury Panel related by  
9 blood or marriage or a close personal friend of anyone  
10 employed by the Attorney General Solicitor or any  
11 prosecuting attorney's office, and ma'am, you've  
12 already answered that, so you don't need to stand up  
13 again.

14 Is any member of the Jury Panel or a member of  
15 your immediate family or a close personal friend  
16 employed by the Attorney General's Office or the  
17 Solicitor's Office, which I have already mentioned,  
18 but any prosecuting attorney's office? If so, please  
19 stand at this time.

20 (No indication)

21 THE COURT: No one else is standing.

22 Has any member of the Jury Panel ever been  
23 employed by any civilian or military law enforcement  
24 agency? If so, please stand at this time.

25 Yes, sir. Your Juror number?



1 THE PROSPECTIVE JUROR: 72.

2 THE COURT: You have been employed as a civilian  
3 or military?

4 THE PROSPECTIVE JUROR: Civilian, with the FBI.

5 THE COURT: Okay. The fact that you've been  
6 employed with the -- did you tell me your number  
7 already?

8 THE PROSPECTIVE JUROR: Yeah, 72.

9 THE COURT: 72. The fact that you've been  
10 employed with the FBI, would that affect your ability  
11 to listen to the evidence in this case and render a  
12 fair and impartial verdict?

13 THE PROSPECTIVE JUROR: I would hope it would  
14 not, but I'd have to say that I would -- I mean,  
15 there's a chance that I'd be predisposed to leaning  
16 towards the prosecution. It's hard to say.

17 THE COURT: That's okay. What I'm going to do --  
18 and you said you are Juror number 72? Juror number  
19 72, I'm going to excuse you from service on this jury.  
20 Okay? I'm going to let you stay seated.

21 You may get picked on the other one. We'll see.  
22 Thank you, sir. Oh, yes, ma'am? Your Juror number?

23 THE PROSPECTIVE JUROR: 80.

24 THE COURT: You have been employed with military  
25 or civilian?

1 THE PROSPECTIVE JUROR: No. Civilian law  
2 enforcement.

3 THE COURT: What law enforcement?

4 THE PROSPECTIVE JUROR: Fairfax County, Virginia.

5 THE COURT: Okay. The fact that you have been  
6 employed with Fairfax County law enforcement, would  
7 that affect your ability to listen to the evidence in  
8 this case and render a fair and impartial verdict?

9 THE PROSPECTIVE JUROR: It would not.

10 THE COURT: Okay. If you would stay with us,  
11 then. Thank you, ma'am.

12 Let's see -- Oh, yes ma'am? Yes, ma'am? Your  
13 Juror number?

14 THE PROSPECTIVE JUROR: Number 40. I was a TPA  
15 up in New York. Traffic Appointment.

16 THE COURT: The fact that you used to work in law  
17 enforcement, would that affect your ability to listen  
18 to the evidence in this case and render a fair and  
19 impartial verdict?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Thank you, ma'am. If you'd stay with  
22 us. All right. I think I got everyone. Nobody else  
23 is standing.

24 Has any member of the Jury Panel been a member of  
25 or contributed to any group that has as it's primary

1 concern, the promotion of law enforcement or victim's  
2 rights? These groups would include but not be limited  
3 to, CAPA, MADD, SAD or victim advocacy centers. If  
4 this applies to you, if you would please stand at this  
5 time. Yes, ma'am? Juror number?

6 THE PROSPECTIVE JUROR: 80.

7 THE COURT: And you're a member of what groups?

8 THE PROSPECTIVE JUROR: After I retired from law  
9 enforcement, I became a victim advocate and served for  
10 10 years.

11 THE COURT: The fact that you have been a  
12 victim's advocate, would that affect your ability to  
13 listen to the evidence in this case and render a fair  
14 and impartial verdict?

15 THE PROSPECTIVE JUROR: No, Your Honor.

16 THE COURT: All right. We're going to keep  
17 asking you questions, but you're doing good.

18 Thank you, ma'am.

19 Your number, please ma'am?

20 THE PROSPECTIVE JUROR: 314.

21 THE COURT: Which group are you a member of?

22 THE PROSPECTIVE JUROR: Hopeful Horizons.

23 THE COURT: Ma'am?

24 THE PROSPECTIVE JUROR: Hopeful Horizons.

25 THE COURT: The fact that you are a member

1 of Hopeful Horizons, would that affect your  
2 ability to listen to the evidence in this case  
3 and render a fair and impartial verdict?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Okay. Thank you, ma'am.

6 Yes, ma'am. Your number?

7 THE PROSPECTIVE JUROR: 113.

8 THE COURT: What group were you a member of?

9 THE PROSPECTIVE JUROR: I have been involved with  
10 CAPA and the Victim's Advocacy Center and Hopeful  
11 Horizon's.

12 THE COURT: Does the fact that you've been a  
13 member of these groups, would that affect your ability  
14 to listen to the evidence in this case and render a  
15 fair and impartial verdict?

16 THE PROSPECTIVE JUROR: I can't guarantee it.

17 THE COURT: Okay. Again, your number was what?

18 THE PROSPECTIVE JUROR: 113.

19 THE COURT: 113. Juror number 113, I'm going to  
20 excuse you from service on this jury. We'll see what  
21 happens with the next one, but thank you, ma'am. I  
22 don't see anybody else standing.

23 I think I have already asked number 5. Ms.  
24 Campbell?

25 MS. CAMPBELL: Yes, sir. No.

1 THE COURT: Have any member of the jury panel  
2 ever been a witness in a criminal trial? If so,  
3 please stand at this time. Let me guess, is it Juror  
4 Number 80? I remember the number. Thank you, ma'am.  
5 Juror Number 80, the fact that you've been a witness  
6 in a criminal trial, would that affect your ability to  
7 listen to the evidence in this case and render a fair  
8 and impartial verdict?

9 THE PROSPECTIVE JUROR: No, Your Honor.

10 THE COURT: Thank you, ma'am. I appreciate it.

11 Yes, ma'am. Your Juror Number?

12 THE PROSPECTIVE JUROR: 36.

13 THE COURT: 36. Ma'am, does the fact that you've  
14 been a witness in a criminal trial before, would that  
15 affect your ability to listen to the evidence in this  
16 case and render a fair and impartial verdict?

17 THE PROSPECTIVE JUROR: No, sir.

18 THE COURT: Okay. If you'd stay with us. Thank  
19 you, ma'am.

20 (No indication)

21 THE COURT: No one else is standing.

22 Has any member of the jury panel read any newspaper or  
23 seen any television program or heard any radio  
24 broadcasts, anything about this case either today or  
25 before today?

1           In addition, have you heard anything about this  
2 case from any source such as a social media source?  
3 If so, please stand at this time.

4           THE PROSPECTIVE JUROR: Your honor, not to this,  
5 but to the previous question.

6           THE COURT: Don't go into -- number one, I just  
7 need for you to say yes or no. Okay? And you are  
8 Juror Number -- ?

9           THE PROSPECTIVE JUROR: 273.

10          THE COURT: And you have heard something about  
11 this case?

12          THE PROSPECTIVE JUROR: No, not about this but to  
13 the previous question.

14          THE COURT: Oh, the previous question.

15          THE PROSPECTIVE JUROR: I forgot.

16          THE COURT: You've been a witness?

17          THE PROSPECTIVE JUROR: I was a witness. Yes,  
18 sir.

19          THE COURT: Okay. Going back to that question,  
20 then. Thank you. The fact that you've been a witness  
21 in a criminal trial, would that affect your ability to  
22 listen to the evidence in this case and render a fair  
23 and impartial verdict?

24          THE PROSPECTIVE JUROR: No, sir.

25          THE COURT: It would not? Okay. Thank you,

1 ma'am.

2 THE PROSPECTIVE JUROR: Thank you. Sorry.

3 THE COURT: That's okay. As we say, "better late  
4 than never." So, no one has heard anything about this  
5 case. Is that -- if you've heard anything about this  
6 case, I need for you to stand. Yes, ma'am. I'm  
7 sorry. Your Juror Number?

8 THE PROSPECTIVE JUROR: 290.

9 THE COURT: Ma'am, you believe you have heard  
10 something about this case?

11 THE PROSPECTIVE JUROR: I may have.

12 THE COURT: Okay. The fact that you believe you  
13 may have heard something about this case, would that  
14 affect your ability to listen to the evidence in this  
15 case and render a fair and impartial verdict?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: It would not? Okay. If you'd stay  
18 with us then, please ma'am. Thank you. Has any  
19 member of the Jury Panel ever read stories from the  
20 14th Circuit Solicitor's website on Facebook or social  
21 media platforms?

22 If so, please stand at this time.

23 (No indication)

24 THE COURT: All right. Ms. Swanson, if you'd  
25 please tell Solicitor Stone that nobody's reading

1 today. And please tell him that you heard it from me.

2 MS. SWANSON: I will do that.

3 THE COURT: All right. I knew Solicitor Stone  
4 years ago when we lived in Columbia. I had a personal  
5 reason to get that on there. Has any member of the  
6 Jury Panel ever viewed the 14th Circuit Solicitor's  
7 Office website and/or watched the mini movies  
8 associated with their prosecution of cases in the 14th  
9 Judicial Circuit and in addition, has any member of  
10 the Jury Panel liked -- that's for you people who do  
11 social media, which I don't do -- liked or commented  
12 on any social media post or websites affiliated with  
13 the 14th Circuit Solicitor's Office or the Beaufort  
14 County Sheriff's Office, the Bluffton Police  
15 Department or the Beaufort City Police Department, a  
16 much more socially active part of the State.

17 If any of you all have been doing that, I need  
18 for you to stand. Anyone? All right, since you're  
19 excused and you're, again, you're Juror Number -- ?

20 THE PROSPECTIVE JUROR: 113.

21 THE COURT: And you're excused from this one, so  
22 you don't need to reply to that.

23 THE PROSPECTIVE JUROR: Okay.

24 THE COURT: No, I appreciate that. I'll make  
25 sure that that part of the record goes back to him.



1 Okay?

2 Your number, please ma'am?

3 THE PROSPECTIVE JUROR: 154.

4 THE COURT: All right, 160?

5 THE PROSPECTIVE JUROR: 154.

6 THE COURT: 154. Ma'am, you have looked at these  
7 websites?

8 THE PROSPECTIVE JUROR: I did.

9 THE COURT: Okay. The fact that you have looked  
10 at these websites, would that affect your ability to  
11 listen to the evidence in this case and render a fair  
12 and impartial verdict?

13 THE PROSPECTIVE JUROR: No, sir.

14 THE COURT: Okay.

15 Your number, please ma'am?

16 THE PROSPECTIVE JUROR: I am 110, I believe.  
17 Yes, sir, 110.

18 THE COURT: 110? The fact that you have looked  
19 at these websites, would that affect your ability to  
20 listen to the evidence in this case and render a fair  
21 and impartial verdict?

22 THE PROSPECTIVE JUROR: No, sir. Not at all.

23 THE COURT: Okay. Let's see, that's three out of  
24 150, right? Okay.

25 THE PROSPECTIVE JUROR: Your Honor. To clarify,

1 it's not Prosecutor Stone's website that I'm looking  
2 at, it's Beaufort County Sheriff's Department.

3 THE COURT: You don't really need to explain, but  
4 I appreciate you standing up for it. Thank you,  
5 ma'am. Nobody else is standing. Has any member of  
6 the Jury Panel ever been a volunteer for the Beaufort  
7 County Sheriff's Office, the Bluffton Police  
8 Department or the Beaufort City Police Department or  
9 any other law enforcement agency and this is a  
10 volunteer? I have already asked you if you were  
11 employed by it, so this is if you were a volunteer.  
12 If so -- yes, ma'am?

13 THE PROSPECTIVE JUROR: Number 20. I used to  
14 teach a bible study at the detention center.

15 THE COURT: Okay. No, you need to stand up. I  
16 need to ask you the question. The fact that you used  
17 to do that, would that affect your ability to listen  
18 to the evidence in this case and render a fair and  
19 impartial verdict?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Okay, if you would stay with us then.  
22 Thank you, ma'am. Nobody else is standing. Oh, wait  
23 a minute. One more. Yes, ma'am?

24 THE PROSPECTIVE JUROR: I volunteer here at the  
25 Beaufort County Detention Center.

1 THE COURT: The fact that you've done that, would  
2 that affect your ability to listen to the evidence in  
3 this case and render a fair and impartial verdict?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: You are Juror Number 166?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Thank you, ma'am. I know you all are  
8 impressed with that, weren't you? Did I get  
9 everybody? All right. Has any member of the Jury  
10 Panel participated in or have a member of their  
11 immediate family participate in a citizen's police  
12 academy or other such programs where the public is  
13 allowed to work with and train with and ride along  
14 with law enforcement officers as part of a citizen's  
15 training program about law enforcement policies and  
16 procedures with any of the local law enforcement  
17 agencies cited above and that's the Sheriff's Office,  
18 Bluffton Police Department or the Beaufort City  
19 Police.

20 If so, please stand at this time. Yes? You are  
21 Juror Number what?

22 THE PROSPECTIVE JUROR: 92.

23 THE COURT: And Juror Number 92, you have  
24 participated in this program?

25 THE PROSPECTIVE JUROR: I have not, but my son

1 has taken a course.

2 THE COURT: The fact that your son has done that,  
3 would that affect your ability to listen to the  
4 evidence in this case and render a fair and impartial  
5 verdict?

6 THE PROSPECTIVE JUROR: No, sir.

7 THE COURT: Okay. If you'd stay with us, then.  
8 Thank you, ma'am. All right. Nobody else is  
9 standing. Has any member of the Jury Panel posted on  
10 the internet or through social media, either on  
11 Facebook or other websites or blogs, either opinions  
12 about crime and/or punishments that would be  
13 appropriate in certain crimes? All right.

14 If so, I need for you to -- if you all are  
15 posting about sentencing and like manner, I need for  
16 you all to stand.

17 (No indication)

18 THE COURT: No one is standing. Oh, okay. I'm  
19 sorry. You've been posting on the internet?

20 THE PROSPECTIVE JUROR: No, not really. I just  
21 made a comment, but I'm very careful. I don't do that  
22 anymore.

23 THE COURT: All right. The fact that you have  
24 made a comment on a website about that, would that  
25 affect your ability to listen to the evidence in this

1 case and render a fair and impartial verdict?

2 THE PROSPECTIVE JUROR: No, Your Honor.

3 THE COURT: Okay. Thank you, ma'am.

4 And you are Juror Number -- ?

5 THE PROSPECTIVE JUROR: 78.

6 THE COURT: And you have posted also?

7 THE PROSPECTIVE JUROR: I made a comment.

8 THE COURT: You made a comment? Okay. The fact  
9 that you have made a comment, would that affect your  
10 ability to listen to the evidence in this case and  
11 render a fair and impartial verdict?

12 THE PROSPECTIVE JUROR: No, sir.

13 THE COURT: Okay. If you'd stay with us, then,  
14 please ma'am. Thank you. Nobody else is standing.  
15 All right. Does any member of the Jury Panel have  
16 strong feelings about the rule of law in American  
17 justice that requires the Jury to stand firm on the  
18 principle that an accused is presumed innocent? If  
19 so, please stand at this time.

20 (No indication)

21 THE COURT: No one is standing.

22 THE PROSPECTIVE JUROR: Can you repeat that, sir?  
23 I was a bit confused.

24 THE COURT: Well, I'm confused about the  
25 question. I will repeat it.

1 THE PROSPECTIVE JUROR: Thank you.

2 THE COURT: Does any member of the Jury Panel  
3 have strong feelings about the rule of law in American  
4 justice that requires a Jury to stand firm on the  
5 principle that an accused is presumed innocent. Any  
6 problems? Any? Okay. And just for the record, you  
7 are Juror Number -- ?

8 THE PROSPECTIVE JUROR: 110.

9 THE COURT: 110. And Juror 110 stood up and sat  
10 down after I read them again. Thank you.  
11 Does any member of the Jury Panel have strong feelings  
12 about the rule of law in American justice that  
13 requires the State to prove an accused guilty by proof  
14 of guilt beyond a reasonable doubt? If so, please  
15 stand at this time.

16 (No indication)

17 THE COURT: No one is standing.

18 Is there anything in the nature of the  
19 allegations which are of the indictment is a murder  
20 indictment, which would cause any member of the Jury  
21 Panel to have difficulty in sitting as an impartial  
22 Juror in this case? If so, please stand.

23 (No indication)

24 THE COURT: No one is standing.

25 Does any member of the Jury Panel have a close

1 family member or friend who has suffered with an  
2 addiction to legal or illegal drugs? If so, please  
3 stand at this time.

4 All right. Yes, sir. Your Juror Number?

5 THE PROSPECTIVE JUROR: 271.

6 THE COURT: You've had -- you know a close friend  
7 or family member that has had a problem with  
8 addiction?

9 THE PROSPECTIVE JUROR: My son.

10 THE COURT: Your son? Okay. The fact that your  
11 son has an addiction, would that affect your ability  
12 to listen to the evidence in this case and render a  
13 fair and impartial verdict?

14 THE PROSPECTIVE JUROR: No, sir.

15 THE COURT: Thank you, sir. Oh, yes, ma'am. I'm  
16 sorry. Your Juror Number?

17 THE PROSPECTIVE JUROR: I am 207.

18 THE COURT: 207? You have either a family member  
19 or a friend that's addicted?

20 THE PROSPECTIVE JUROR: That was.

21 THE COURT: That was?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: The fact that you know someone that  
24 was addicted to drugs, would that affect your ability  
25 to listen to the evidence in this case and render a

1 fair and impartial verdict?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Okay. Thank you, ma'am.

4 Your Juror Number?

5 THE PROSPECTIVE JUROR: 211.

6 THE COURT: You've had a -- is it a family member  
7 or a friend?

8 THE PROSPECTIVE JUROR: A son.

9 THE COURT: The fact that you've had a son with  
10 an addiction problem, would that affect your ability  
11 to listen to the evidence in this case and render a  
12 fair and impartial verdict?

13 THE PROSPECTIVE JUROR: No, sir.

14 THE COURT: Thank you, ma'am. And -- yes?

15 THE PROSPECTIVE JUROR: 175.

16 THE COURT: 175. Is that a family member or a  
17 friend?

18 THE PROSPECTIVE JUROR: Son.

19 THE COURT: Son? Okay. The fact that you've had  
20 a son that has an addiction problem, would that affect  
21 your ability to listen to the evidence in this case  
22 and render a fair and impartial verdict?

23 THE PROSPECTIVE JUROR: No, sir.

24 THE COURT: Okay. Thank you.

25 Your Number, please?



1 THE PROSPECTIVE JUROR: 48.

2 THE COURT: Is it a family member or a friend?

3 THE PROSPECTIVE JUROR: My brother.

4 THE COURT: Your brother? The fact that you've  
5 had a brother with an addiction problem, would that  
6 affect your ability to listen to the evidence in this  
7 case and render a fair and impartial verdict?

8 THE PROSPECTIVE JUROR: No, sir.

9 THE COURT: Thank you, ma'am.

10 Is it a family member of a friend?

11 THE PROSPECTIVE JUROR: Family member, my  
12 brother.

13 THE COURT: I'm sorry. What?

14 THE PROSPECTIVE JUROR: My brother.

15 THE COURT: The fact that you've had a brother  
16 with an addiction problem, would that affect your  
17 ability to listen to the evidence in this case and  
18 render a fair and impartial verdict?

19 THE PROSPECTIVE JUROR: No, sir.

20 THE COURT: Okay. Thank you, sir. I'm sorry,  
21 what was your number, please sir?

22 THE PROSPECTIVE JUROR: 172.

23 THE COURT: 172? Thank you, sir.

24 And?

25 THE PROSPECTIVE JUROR: 164.

1 THE COURT: 164. Is it a family member or a  
2 friend?

3 THE PROSPECTIVE JUROR: A sister.

4 THE COURT: Your sister? The fact that you've  
5 had a sister that's had an addiction issue, would that  
6 affect your ability to listen to the evidence in this  
7 case and render a fair and impartial verdict?

8 THE PROSPECTIVE JUROR: No, sir.

9 THE COURT: Thank you, ma'am. All right. I  
10 think I have gotten everybody. Has any member of the  
11 Jury Panel suffered from an addiction to legal or  
12 illegal drugs? We're not talking about relatives or  
13 friends; we're talking about you now. If so, please  
14 stand at this time.

15 (No indication)

16 THE COURT: No one is standing.  
17 Has any member of the Jury Panel or a member of your  
18 immediate family been the victim of a violent crime,  
19 either currently or in the past? If so, please stand  
20 at this time.

21 Your number, please ma'am?

22 THE PROSPECTIVE JUROR: It's 252.

23 THE COURT: So, I don't need to get into  
24 what it was, but I need to know if it was a family  
25 member or you?

1 THE PROSPECTIVE JUROR: Family member.

2 THE COURT: Family member. The fact that you've  
3 had a family member that was the victim of a violent  
4 crime, would that affect your ability to listen to the  
5 evidence in this case and render a fair and impartial  
6 verdict?

7 THE PROSPECTIVE JUROR: I hope not, sir.

8 THE COURT: You need to either tell me it would  
9 or would not. It's either yes or no.

10 THE PROSPECTIVE JUROR: I guess it would not.

11 THE COURT: It would not? Okay. Thank you,  
12 ma'am.

13 Juror Number 80, I was going to go with the lady  
14 next to you first, since you've had the floor most of  
15 the time.

16 Your Number again?

17 THE PROSPECTIVE JUROR: 78.

18 THE COURT: Was it you or a member of your  
19 family?

20 THE PROSPECTIVE JUROR: A member of my family.

21 THE COURT: The fact that a member of your family  
22 has been a victim of a violent crime, would that  
23 affect your ability to listen to the evidence in this  
24 case and render a fair and impartial verdict?

25 THE PROSPECTIVE JUROR: No, sir.

1 THE COURT: Okay. Thank you.

2 Juror Number 80, is it you or a member of your  
3 family?

4 THE PROSPECTIVE JUROR: A member of my family.

5 THE COURT: The fact that a member of your family  
6 was a victim of a violent crime, would that affect  
7 your ability to listen to the evidence in this case  
8 and render a fair and impartial verdict?

9 THE PROSPECTIVE JUROR: I wouldn't.

10 THE COURT: Thank you, ma'am.

11 Juror Number -- ?

12 THE PROSPECTIVE JUROR: 219.

13 THE COURT: 219?

14 THE PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: Was it you or a member of your  
16 family?

17 THE PROSPECTIVE JUROR: It was me.

18 THE COURT: The fact that you have been a victim  
19 of a violent crime, would that affect your ability to  
20 listen to the evidence in this case and render a fair  
21 and impartial verdict?

22 THE PROSPECTIVE JUROR: No, sir.

23 Your number, please sir?

24 THE PROSPECTIVE JUROR: 255.

25 THE COURT: 55?

1 THE PROSPECTIVE JUROR: 255.

2 THE COURT: Oh, 255. Was it you or a member of  
3 your family?

4 THE PROSPECTIVE JUROR: Member of my family.

5 THE COURT: The fact that a member of your family  
6 has been a victim of a violent crime, would that  
7 affect your ability to listen to the evidence in this  
8 case and render a fair and impartial verdict?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Thank you, sir. If you'd please stay  
11 with us.

12 Yes, ma'am?

13 THE PROSPECTIVE JUROR:

14 THE COURT: Was it you or a member of your

15 THE COURT: If you'd please stay with us, then.

16 Thank you, ma'am.

17 I think we got everybody.

18 All right. Just so you'll -- Ms. Campbell, I'm  
19 going to have to modify 19. I mean, that's --

20 MS. CAMPBELL: Yeah, thank you.

21 THE COURT: Ladies and Gentlemen, if you get to  
22 serve on the Jury, I'm going to tell you that you  
23 cannot consult any social media, your cell phones, do  
24 any kind of looking on the computer, or anything like  
25 that while you are involved in this case. Okay? And

1 that is a total ban.

2       Once you have started this case, you can't -- if  
3 something comes up in trial and it doesn't get  
4 answered to your satisfaction, you cannot go when we  
5 take an evening break and go check something on the  
6 computer or check google to see where the events  
7 happened or anything like that. It is a total ban on  
8 you all using any -- doing any research independently  
9 or using anything independently to find out about  
10 anything about this case. Everything that you will  
11 find out about this case you're going to find out in  
12 the courtroom.

13       So, my questions is this, is anybody going to  
14 have any problems, if you get picked as a Jury, to  
15 comply with the ban on doing any independent  
16 investigation about this case? If you are going to  
17 have a problem with that, I need for you to stand now.

18       (No indication)

19       THE COURT: No one is standing.

20 Ms. Campbell, if that's not satisfactory, I'll let you  
21 know. All right? Thank you. Bear with me for a  
22 second. Any other questions from the State?

23       MS. SWANSON: None from the State, Your Honor.

24       THE COURT: Any other questions from the Defense?

25       MS. CAMPBELL: No, Your Honor.

1           THE COURT: All right, Ladies and Gentlemen, what  
2 we're going to do now is submit all of you, all who  
3 are qualified to serve on the Jury, except for the  
4 people I have said aren't qualified, which makes  
5 pretty good sense, I guess. Anyway, what's going to  
6 happen is, your names are going to be redone in the  
7 computer and randomized again. Once your names have  
8 been randomized, we will then start picking a Jury and  
9 that shouldn't -- how long is it going to take to  
10 randomize?

11           We're going to do two alternates. Ladies and  
12 Gentlemen, when your name is called, I mean number --  
13 somehow it sounds friendlier when you say their name  
14 is called. When your number is called, I need for you  
15 to come forward and you'll stand just like that, bring  
16 all -- if you've got books or umbrellas or pocket  
17 books, you need to bring them up and when you come up  
18 and turn and face the attorney, they will tell you  
19 whether they want you to be seated on the Jury or  
20 excused and if you are seated on the Jury, you're  
21 going to go sit in the jury booth and get used to your  
22 seat.

23           Okay? Madame Clerk, are you ready to start  
24 calling them?

25           THE CLERK: Juror Number 124.

1 THE COURT: Now, you're going to be the example  
2 for all of them. Yeah, very good.

3 THE CLERK: What says the State?

4 MS. SWANSON: Please present this juror.

5 THE CLERK: What says the Defense?

6 MS. CAMPBELL: Please swear the juror.

7 THE COURT: Take a seat in the jury box.

8 THE CLERK: Juror Number 203. 203. Yes,  
9 sir. What says the State?

10 MS. SWANSON: Please present this juror.

11 THE CLERK: What says the Defense?

12 MS. CAMPBELL: Please excuse this juror.

13 THE CLERK: Juror Number 211. What says the  
14 State?

15 MS. SWANSON: Please present this juror.

16 THE CLERK: What says the Defense?

17 MS. CAMPBELL: Please excuse the juror.

18 THE COURT: You may sit back down, ma'am.

19 THE CLERK: Juror Number 295.

20 What says the State?

21 MS. SWANSON: Please present this juror.

22 THE CLERK: What says the Defense?

23 MS. CAMPBELL: Please swear the juror.

24 THE COURT: Proceed to the jury box, please.

25 THE CLERK: Juror Number 90. What says the



1 State?

2 MS. SWANSON: Please present this juror.

3 THE CLERK: What says the Defense?

4 MS. CAMPBELL: Please excuse this juror.

5 THE COURT: You can sit back down, ma'am.

6 THE CLERK: Juror Number 241. What says the

7 State?

8 MS. SWANSON: Please present this juror.

9 THE CLERK: What says the Defense?

10 MS. CAMPBELL: Please swear the juror.

11 THE COURT: Take a seat in the jury box, please.

12 THE CLERK: Juror Number 212. What says the

13 State?

14 MS. SWANSON: Please present this juror.

15 THE CLERK: What says the Defense?

16 MS. CAMPBELL: Please swear the juror.

17 THE COURT: Take a seat in the jury box, sir.

18 THE CLERK: Juror Number 6. What says the State?

19 MS. SWANSON: Please present this juror.

20 THE CLERK: What says the Defense?

21 MS. CAMPBELL: Please excuse the juror.

22 THE CLERK: Juror Number 198. What says the

23 State?

24 MS. SWANSON: Please present the juror.

25 THE CLERK: What says the Defense?

1 MS. CAMPBELL: Please swear the juror.

2 THE COURT: Take a seat in the jury box, please.

3 THE CLERK: Juror Number 327. What says the

4 State?

5 MS. SWANSON: Please excuse the juror.

6 THE CLERK: Juror Number 269. What says the

7 State?

8 MS. SWANSON: Please present the juror.

9 THE CLERK: What says the Defense?

10 MS. CAMPBELL: Please swear the juror.

11 THE COURT: Proceed to the jury box, sir.

12 THE CLERK: Juror Number 48. What says the

13 State?

14 MS. SWANSON: Please present this juror.

15 THE CLERK: What says the Defense?

16 MS. CAMPBELL: Please swear the juror.

17 THE COURT: Take a seat in the jury box, please

18 ma'am.

19 THE CLERK: Juror Number 149. What says the

20 State?

21 MS. SWANSON: Please excuse this juror.

22 THE COURT: You can sit back down, sir.

23 THE CLERK: Juror Number 181. What says the

24 State?

25 MS. SWANSON: Please present this juror.

1 THE CLERK: What says the Defense?

2 MS. CAMPBELL: Please sear the juror.

3 THE COURT: Take a seat in the jury box, sir.

4 THE CLERK: Juror Number 176. What says the  
5 State?

6 MS. SWANSON: Please present this juror.

7 THE CLERK: What says the Defense?

8 MS. CAMPBELL: Please swear the juror.

9 THE COURT: Take a seat in the jury box, sir.

10 THE CLERK: Juror Number 80. What says the  
11 State?

12 MS. SWANSON: Please present this juror.

13 THE CLERK: What says the Defense?

14 MS. CAMPBELL: Please excuse the juror.

15 THE COURT: You may sit back down, ma'am.

16 THE CLERK: Juror Number 49. What says the  
17 State?

18 MS. SWANSON: Please present this juror.

19 THE CLERK: What says the Defense?

20 MS. CAMPBELL: Please swear the juror.

21 THE COURT: Take a seat in the jury box, please.

22 THE CLERK: Juror Number 99. What says the  
23 State?

24 MS. SWANSON: Please present this juror.

25 THE CLERK: What says the Defense?

1 MS. CAMPBELL: Please swear the juror.

2 THE COURT: Take a seat in the jury box, sir.

3 THE CLERK: Juror Number 315. What says the

4 State?

5 MS. SWANSON: Please present this juror.

6 THE CLERK: What says the Defense?

7 MS. CAMPBELL: Please swear the juror.

8 THE COURT: Proceed to the jury box, please

9 ma'am.

10 THE CLERK: Selecting the first alternate.

11 Juror Number 224. What says the State?

12 MS. SWANSON: Please present this juror.

13 THE CLERK: What says the Defense?

14 MS. CAMPBELL: Please swear the juror.

15 THE COURT: Take a seat in the jury box, sir.

16 THE CLERK: Second alternate, Juror Number

17 273. What says the State?

18 MS. SWANSON: I'm sorry. What was the number

19 again?

20 THE CLERK: 273.

21 MS. SWANSON: Please present this juror.

22 THE CLERK: What says the Defense?

23 MS. CAMPBELL: Please excuse the juror.

24 THE COURT: You may sit back down.

25 THE CLERK: Juror Number 102. What says the

1 State?

2 MS. SWANSON: Please present the juror.

3 THE CLERK: What says the Defense?

4 MS. CAMPBELL: Please swear the juror.

5 THE COURT: Take a seat in the jury box, please  
6 ma'am.

7 All right. Does the State have any issues  
8 regarding the jury selection?

9 MS. SWANSON: None from the State.

10 THE COURT: Does Defense have any issues  
11 regarding the jury selection?

12 MS. CAMPBELL: We do have a matter to take up,  
13 Your Honor.

14 THE COURT: All right. Ladies and Gentlemen --  
15 is there a place they can go? All right. I guess  
16 we'll put the jury wherever -- all right. Ladies and  
17 Gentlemen, there is a matter I have got to take up  
18 with the attorneys and after we take that up, I'll  
19 bring you back in here after I take up a matter  
20 anyway, because we've got to pick another jury. Okay?  
21 I'm going to let you all go out.

22 If you would follow the bailiffs, they have got a  
23 place for you all to go. If you'll follow the  
24 bailiffs, they have got a place for you to go as well.

25 (Whereupon, a recess was held.)

1 THE COURT: Ms. Campbell, what pray tell, do you  
2 want to do?

3 MS. CAMPBELL: Your Honor, on behalf of my client  
4 and after consultation with him, we would make a  
5 motion under Batson case law, in reference to the  
6 State's striking Juror 149. He was the only black  
7 male called and my client has an all-white jury, and  
8 we ask that the panel be struck, unless there is a  
9 racially neutral reason and finding by this Court as  
10 to why that black male was struck from this jury.

11 Thank you, Judge.

12 THE COURT: Thank you, ma'am.

13 Ms. Swanson?

14 MS. SWANSON: Thank you, Your Honor. Yes. I did  
15 strike Juror Number 149, black male, because when we  
16 ran a rap sheet on him, he did have a 1987 arrest for  
17 criminal sexual conduct with a minor. So, there has  
18 been negative contact with law enforcement and in the  
19 past, in reference to a special victim's crime, this  
20 isn't domestic homicide, while not a CSC, it's all the  
21 special victims crime, where the State is alleging  
22 that the Defendant in this case preyed upon a  
23 vulnerable person. Thank you.

24 THE COURT: All right. There was an arrest, but  
25 not a conviction? Right?

1 MS. SWANSON: Correct.

2 THE COURT: What was the -- do you have any  
3 outcome of that arrest?

4 MS. SWANSON: It just says, nolle pros, at some  
5 point. I don't know when. Of course, that doesn't  
6 mean that he wasn't upset about a possible bond.

7 THE COURT: I understand that. He had to deal  
8 with it all those --

9 MS. SWANSON: Yes.

10 THE COURT: All those connotations. Okay.

11 MS. SWANSON: Thank you.

12 THE COURT: All right. Ms. Campbell, she has at  
13 least given a race neutral explanation for striking  
14 Juror Number 149.

15 MS. CAMPBELL: And again, Your Honor, if this  
16 were a conviction, criminal conviction of some  
17 sort, I think that the State would have ample  
18 ground to stand on, but the mere fact that an  
19 individual has an arrest on their record should  
20 not suffice as a basis to strike him,  
21 particularly -- like I say, it's a 1987 arrest,  
22 many, many years ago. It was in the Solicitor's  
23 purview that the case was dismissed. Thank you,  
24 Judge.

25 THE COURT: Thank you, ma'am.

1           Ms. Campbell, do you have anything that would  
2 indicate to anyone that was sitting on the jury had an  
3 arrest or anything like that?

4           MS. CAMPBELL: I am not provided with a rap sheet  
5 for the potential jurors. The only individuals who  
6 have that capability and actually have those items  
7 during jury selection is the prosecution, so I would  
8 have no way to answer Your Honor's question. That  
9 would be a question best answered by the State.

10          THE COURT: Just out of curiosity, Ms. Swanson,  
11 does any person sitting on the jury have an arrest?

12          MS. SWANSON: Your Honor, we are checking back.  
13 Unfortunately, we were provided two different versions  
14 of the list, so when we made notes about the rap sheet  
15 we've had to cross check.

16          THE COURT: Okay. Well, I'll give you a minute.  
17 I'll give you a minute to do that.

18          MS. SWANSON: Yes, yes. Thank you.

19          MS. CAMPBELL: My question, for the record, Your  
20 Honor, is whether or not the State has run a rap sheet  
21 on all of the potential jurors and if they have, we  
22 could certainly have all those marked for the purposes  
23 of this motion, Your Honor.

24          MS. SWANSON: Your Honor, we are going to pull  
25 the two other jurors that have rap sheets. One is a



1 fraudulent check from 2015 out of Georgia. The other  
2 is a driving under suspension in 2003 and we can pull  
3 those and submit 124, 149 and 102's rap sheets for  
4 this.

5 THE COURT: You said 124 and what?

6 MS. SWANSON: 124 was the first juror. That was  
7 a white male who has a fraudulent check arrest from  
8 2015 out of Georgia. 149 is the juror that I struck  
9 in question and we have discussed and then the only  
10 other one on -- so, he's not on the jury, but the  
11 second alternate, 102, has a driving under suspension  
12 arrest from 2003; black female.

13 THE COURT: Driving under suspension.

14 MS. SWANSON: We're pulling that rap sheet.

15 THE COURT: Okay. I'm sorry.

16 MS. SWANSON: So, the two people -- the one on  
17 the -- 124, wait I'll do this first -- has the out of  
18 state record from Georgia a 2004 bad check that was  
19 2015 DUS and a 2015 fraud check with no disposition.

20 THE COURT: The 2004 and the 2015?

21 MS. SWANSON: Correct. And then the only other  
22 person, which was our second alternate - -

23 THE COURT: Was the driving under suspension?

24 MS. SWANSON: Yes, sir. It was a speeding and a  
25 driving under suspension from 2003. The speeding was

1 a conviction. The DUS was a non-conviction.

2 THE COURT: All right.

3 MS. SWANSON: Would you like to make these rap  
4 sheets a part of the record?

5 THE COURT: We'll make a copy of them for the  
6 record. Anything else, Ms. Swanson?

7 MS. SWANSON: Nothing from the State.

8 THE COURT: Ms. Campbell, anything you want to  
9 add?

10 MS. CAMPBELL: Just for the record, Your Honor,  
11 in State v. Tucker, which is a 1998 plea on mere  
12 pretext, which is what we have said. I just don't  
13 think the State has demonstrated in their striking of  
14 the black male, Juror Number 149, that the showing of  
15 the pretext can be demonstrated simply by the  
16 similarly situated jurors of another race, so we have  
17 Juror 124, the while male with a criminal record who  
18 was seated by the State of South Carolina in this case  
19 and denied the black male with no conviction a seat on  
20 this jury. Thank you, Your Honor.

21 THE COURT: Ms. Swanson, any argument you want to  
22 make?

23 MS. SWANSON: Just briefly, that the contact with  
24 law enforcement regarding the black, I mean, the white  
25 male and a black female are dealing with matters for

1 level convictions. These are not special victim type  
2 cases, which is what I am prosecuting here today and  
3 so that is how I am differentiating the treatment  
4 between those contacts with law enforcement and  
5 arrests. Thank you.

6 THE COURT: Ms. Campbell, do you want me to  
7 address the issue or are you not satisfied with the  
8 Jury?

9 MS. CAMPBELL: I am satisfied that I have placed  
10 this issue before Your Honor, it has been argued and  
11 my client understands what's happened and we're asking  
12 Your Honor to make the appropriate ruling. Thank you.

13 THE COURT: Okay. Thank you, ma'am. Let me tell  
14 you what I'm going to do in this case. I have a black  
15 male Defendant who is charged with the most, I guess,  
16 the most serious crime I can hear is a murder crime  
17 and I have someone, Juror Number 124, who has similar  
18 arrests for crimes that I wouldn't believe would be of  
19 moral turpitude, if we were getting to the issue of  
20 being a witness or something like that.

21 So, what I'm going to do is, I'm going to grant  
22 your motion under Batson. We will repick the jury.  
23 Okay? Because I would rather be much safe than sorry  
24 and so that's what we're going to do. Okay?  
25 If you all will bring the Jury back in here. Put

1 everybody back out there and we will do it one more  
2 time. Can I see you all for a second while they are  
3 coming back in? All right.

4 (The prospective jury venire entered the  
5 courtroom.)

6 THE COURT: We've got some good news here I have  
7 got to tell you all. Every now and then, you know,  
8 you've heard the phrase, "practice makes perfect"?  
9 Okay. Thank you. Because there was something I  
10 believe that we needed to do a little differently, I  
11 have decided that we are going to try one more time to  
12 pick the jury.

13 So, those of you who didn't get picked, I want  
14 you to know the good news is, you still have a chance  
15 to be picked. We're doing it all over again. That  
16 didn't sound like a smile to me. All right. We're  
17 getting ready to pick the jury one more time.

18 Madame Clerk, we're doing this the same way  
19 again. You all bear with us and we'll start, Madame  
20 Clerk, whenever you're ready.

21 THE CLERK: Thank you, Judge. Juror Number 97.  
22 Come on forward. What says the State?

23 MS. SWANSON: Please present this juror.

24 THE CLERK: What says the Defense?

25 MS. CAMPBELL: Please swear the juror.

1 THE COURT: Take a seat in the jury box, please.

2 THE CLERK: Juror Number 266. What says the  
3 State?

4 MS. SWANSON: Please present this juror.

5 THE CLERK: What says the Defense?

6 MS. CAMPBELL: Please excuse the juror.

7 THE COURT: Sir, you can sit back down.

8 THE CLERK: Juror Number 164. What says the  
9 State?

10 MS. SWANSON: Please present this juror.

11 THE CLERK: What says the Defense?

12 MS. CAMPBELL: Please swear the juror.

13 THE COURT: Proceed to the jury box, please  
14 ma'am.

15 THE CLERK: Juror Number 270. What says the  
16 State?

17 MS. SWANSON: Please present this juror.

18 THE CLERK: What says the Defense?

19 MS. CAMPBELL: Please swear the juror.

20 THE COURT: Take a seat in the jury box, sir.

21 THE CLERK: Juror Number 96.

22 What says the State?

23 MS. SWANSON: Please excuse this juror.

24 THE COURT: You may sit down, sir.

25 THE CLERK: Juror Number 112. What says the

1 State?

2 MS. SWANSON: Please present this juror.

3 THE CLERK: What says the Defense?

4 MS. CAMPBELL: Please swear the juror.

5 THE COURT: Take a seat in the jury box, please  
6 ma'am.

7 THE CLERK: Juror Number 151. What says the  
8 State?

9 MS. SWANSON: Please excuse this juror.

10 THE COURT: Sit back down, please.

11 THE CLERK: Juror Number 149. What says the  
12 State?

13 MS. SWANSON: Please excuse this juror.

14 THE COURT: You may sit back down, sir.

15 THE CLERK: Juror Number 146. What says the  
16 State?

17 MS. SWANSON: Please present this juror.

18 THE CLERK: What says the Defense?

19 MS. CAMPBELL: Please swear the juror.

20 THE COURT: Take a seat in the jury box, please.

21 THE CLERK: Juror Number 222. What says the  
22 State?

23 MS. SWANSON: Please present this juror.

24 THE CLERK: What says the Defense?

25 MS. CAMPBELL: Please swear the juror.

1 THE COURT: Take a seat in the jury box, sir.

2 THE CLERK: Juror Number 184. What says the  
3 State?

4 MS. SWANSON: Please present this juror.

5 THE CLERK: What says the Defense?

6 MS. CAMPBELL: Please excuse the juror.

7 THE COURT: You may sit back down.

8 THE CLERK: Juror Number 327. What says the  
9 State?

10 MS. CAMPBELL: Please excuse this juror.

11 THE COURT: You can sit back down, ma'am.

12 THE CLERK: Juror Number 239. What says the  
13 State?

14 MS. SWANSON: Please present this juror.

15 THE CLERK: What says the Defense?

16 MS. CAMPBELL: Please swear the juror.

17 THE COURT: Proceed to the jury box, sir.

18 THE CLERK: Juror Number 68. What says the  
19 State?

20 MS. SWANSON: Please present this juror.

21 THE CLERK: What says the Defense?

22 MS. CAMPBELL: Please swear the juror.

23 THE COURT: Take a seat in the jury box, please  
24 ma'am.

25 THE CLERK: Juror Number 123. What says the

1 State?

2 MS. SWANSON: Please present this juror.

3 THE CLERK: What says the Defense?

4 MS. CAMPBELL: Please swear the juror.

5 THE COURT: Take a seat in the jury box, sir.

6 THE CLERK: Juror Number 60. What says the

7 State?

8 MS. SWANSON: Please present this juror.

9 THE CLERK: What says the Defense?

10 MS. CAMPBELL: Please swear the juror.

11 THE COURT: Take a seat in the jury box, please

12 ma'am.

13 THE CLERK: Juror Number 65.

14 MS. SWANSON: I'm sorry, what was this number?

15 THE CLERK: 65.

16 MS. SWANSON: Thank you.

17 THE CLERK: What says the State?

18 MS. SWANSON: Please present this juror.

19 THE CLERK: What says the Defense?

20 MS. CAMPBELL: Please swear the juror.

21 THE COURT: Take a seat in the jury box, please

22 ma'am.

23 THE CLERK: Juror Number 314. What says the

24 State?

25 MS. SWANSON: Please present this juror.



1 THE CLERK: What says the Defense?

2 MS. CAMPBELL: Please excuse the juror.

3 THE CLERK: Juror Number 137. What says the  
4 State?

5 MS. SWANSON: Please present this juror.

6 THE CLERK: What says the Defense?

7 MS. CAMPBELL: Please swear the juror.

8 THE COURT: Take a seat in the jury box, sir.

9 THE CLERK: First alternate. Juror Number 40.  
10 What says the State?

11 MS. SWANSON: Please excuse this juror.

12 THE COURT: Sit back down, ma'am.

13 THE CLERK: Juror Number 165. What says the  
14 State?

15 MS. SWANSON: No, strike for cause.

16 THE CLERK: What says the Defense?

17 MS. CAMPBELL: Swear the juror.

18 THE COURT: Swear the juror? Proceed to the jury  
19 box.

20 THE CLERK: Second alternate. Juror Number  
21 108. What say the State?

22 MS. SWANSON: Please present this juror.

23 THE CLERK: Thank you. What says the Defense?

24 MS. CAMPBELL: Please excuse the juror.

25 THE COURT: You may sit down, sir.

1 THE CLERK: Juror Number 233. What says the  
2 State?

3 MS. SWANSON: Please present this juror.

4 THE CLERK: For cause, Defense?

5 MS. CAMPBELL: Your Honor, I get two strikes for  
6 alternates. Thank you and please put him on the jury.

7 THE CLERK: Thank you.

8 THE COURT: To the jury box, sir. All right.  
9 Anything from the State regarding the jury selection?

10 MS. SWANSON: None from the State.

11 THE COURT: Anything from the Defense regarding the  
12 jury selection?

13 MS. CAMPBELL: Your Honor, as you are aware, it's  
14 a matter that I have discussed with my client and I  
15 would say that I would need a moment to discuss it  
16 more fully with him because of the same issue. We  
17 can approach, if that will be better.

18 THE COURT: You may.

19 All right. So, since we were able to answer that  
20 question, we're okay?

21 MS. CAMPBELL: We're fine.

22 THE COURT: All right. Ladies and Gentlemen,  
23 those of you who were unfortunately not picked for  
24 this jury, I want you to know there is a -- you still  
25 have an opportunity to be picked for a jury this week,

1 but since we are getting way past my lunch time and  
2 hopefully you all's, we're going to take -- everybody  
3 that has not been picked, you all will need to be back  
4 in here within an hour.

5 Go get some lunch and be back here at a quarter  
6 until 3. Thank you all.

7 Congratulations, thank you all for being willing to  
8 serve this week and having the opportunity to serve.  
9 Let me tell you what the plans are, so you all can  
10 have an idea how to plan the rest of your day and  
11 tomorrow and things like that. We have a number of  
12 motions that we've got to take up outside of you all's  
13 presence this afternoon.

14 So, the plan is this. You all are going to be  
15 excused for the rest of the day. You will need to be  
16 back in the jury room at 10:00 tomorrow morning. Now,  
17 the 12 of you that are jurors, when you get back here  
18 tomorrow at 10, I want you all to pick a Foreperson  
19 for the Jury and the Foreperson's duties are to  
20 control the conversation in the jury room when you  
21 begin your deliberations, to fill out any questions  
22 you may have after you start your deliberations and  
23 send them out so we can address them and the most  
24 important thing is the Foreperson is the person that  
25 signs the verdict form at the end of the case.

1           Now, until you are told by me or by the bailiff  
2 at my direction to begin your deliberations, you  
3 cannot talk about this case, even among yourselves.  
4 In other words, tomorrow when we begin taking  
5 testimony, one of the first things that's going to --  
6 one of the things that will happen early in the  
7 morning is we will take some testimony and we'll end  
8 up taking a break.

9           The normal reaction when you get back in the jury  
10 room is, you want to talk about what you've just heard  
11 and you cannot do that. You cannot begin talking  
12 about this case, even among yourselves, until you have  
13 heard the entire case, all of the testimony, you've  
14 heard the attorneys give their closing arguments and I  
15 have charged you on the law that applies in this  
16 situation.

17           Now, in addition to that, I think you all  
18 probably remember one of my last questions when we  
19 were picking the jury, you cannot do any independent  
20 investigation about this case. Normally, I think  
21 everybody's gotten in the habit now when you're trying  
22 to remember, "What was the name of that movie of this  
23 book or who was a movie star, when did this happen,"  
24 everybody goes to their smart phones now and puts in  
25 something so you can get an answer.

1           You cannot do that. Okay? Once you have picked,  
2 chosen to be on this Jury, everything you need to know  
3 about this case, you're going to find out in the jury  
4 room. Nowhere else.

5 No one can come up and talk to you about this case.  
6 If someone does, I need to find out who they are,  
7 because they are not supposed to talk to you. Okay?  
8 You are not supposed to do any kind of independent  
9 investigation of that. You should not read any  
10 articles that may appear in the paper.

11           I don't know that there will be any or anything  
12 like that, but you avoid anything that could have any  
13 implication on this trial.

14           I think that's the main points I need to get  
15 across. You all will need to be back in the jury room  
16 at 10:00 tomorrow morning and when you get in, I want  
17 the members of the jury, not you two alternates who  
18 are not involved in this at this stage, I want you all  
19 to pick one of the Jurors to be your Foreperson.  
20 I want you all to have a good evening, relax and I'll  
21 see you all tomorrow at 10. If you will follow the --  
22 yes, sir.

23           What I was going -- what I'll ask you to do, if  
24 you don't mind, unless it means -- if you will ask the  
25 bailiff once you get out of the courtroom. If she

1 can't answer it, she'll come and ask me and we'll go  
2 from there. Okay?

3 Thank you all so much. I hope you have enjoyed  
4 this. If you have not served on a jury, it's a  
5 wonderful experience and I think you'll learn a lot  
6 from it. Thank you all.

7 (Whereupon, the jury exited the courtroom.)

8 THE COURT: Anything from the State before we  
9 take a break for lunch?

10 MS. SWANSON: Nothing from the State.

11 THE COURT: Anything from the Defense before we  
12 take a break for lunch?

13 MS. CAMPBELL: Just to put on the record about  
14 the bench conference.

15 THE COURT: Right. Part of that, as I understand  
16 it, when we had the conference at the bench, the  
17 Solicitor made the statement that represented to the  
18 Court that none of the people that they sat on the  
19 Jury had any arrests and with regards to Juror Number  
20 149, the State had a race neutral reason for striking  
21 that juror.

22 The only reason I did grant the motion on the  
23 first one was that there was a white male who sat with  
24 an arrest also. That was the reason.

25 MS. CAMPBELL: For preservation of the record, at

1 the break I'd just ask that the State include as part  
2 of the record of the matter, the rap sheets relative  
3 to the jurors who were set on the second jury as well.

4 THE COURT: Okay. Just as part of the Court --  
5 as a Court's exhibit? So it will be preserved?

6 MS. CAMPBELL: Correct. Preserved.

7 THE COURT: Okay.

8 MS. SWANSON: We actually -- so, unless the  
9 person has an FBI number and has a criminal history,  
10 we don't print out ones that don't have a record.

11 THE COURT: How did we find out about the other  
12 records?

13 MS. SWANSON: Because they type it in and if they  
14 do have a record, then we print the rap sheet, but  
15 otherwise, there would be no rap sheet.

16 MS. CAMPBELL: So, if I understand the State  
17 correctly, there are no records in their possession  
18 relating to those 12 jurors --

19 THE COURT: And two alternates.

20 MS. CAMPBELL: And two alternates who are seated  
21 on the Defendant's second jury. They have none of  
22 those records in their possession.

23 THE COURT: Is that correct?

24 MS. CAMPBELL: In terms of their criminal  
25 history.

1 MS. SWANSON: Correct.

2 MS. CAMPBELL: Thank you.

3 THE COURT: All right. Thank you. You all may  
4 come back at -- what time do you want to come back?  
5 You want to say 3? Okay.

6 MS. SWANSON: And it will be courtroom 3. Is  
7 that right?

8 THE COURT: We're going to be in courtroom 3?  
9 That means I need to clean up and go over there.  
10 We'll see you all at 3.

11 (Whereupon, a luncheon recess was held.)

12 THE COURT: Does the State have any motions?

13 MS. SWANSON: We can just go in order of the  
14 Defendant's pre-trial motions.

15 THE COURT: Whatever you all -- I'm here for you all.

16 MS. SWANSON: I believe number one has been  
17 satisfied by what -- sorry --

18 THE COURT: No, that's okay. I thought I had all  
19 of it right in front of me, but I don't.

20 MS. CAMPBELL: Would you like -- do you need a  
21 copier?

22 THE COURT: No, ma'am. I'm pretty sure I have  
23 got a copy and I just wanted to -- I have got it.  
24 Pre-trial motions. Okay. Number 1.

25 MS. SWANSON: I believe, Your Honor, I did



1 instruct the Jury in its general instructions that  
2 they should not do any individual investigation or  
3 anything through television or social media type  
4 things.

5 THE COURT: Ms. Campbell, that's okay, the  
6 instructions I gave them?

7 MS. CAMPBELL: Your Honor, I'm satisfied with  
8 your instructions. We've had a problem in the past  
9 and I think Ms. Roseneau addressed it with the smart  
10 watches. I just want to make absolutely sure that our  
11 Jurors aren't wearing smart watches. Again, we're  
12 fairly familiar with leaving the cell phone and things  
13 like that in the car, but if Your Honor could just  
14 address that tomorrow to be sure, that would be  
15 sufficient for the Defendant. And I assume, for  
16 number two, the State is in agreement that the  
17 witnesses should be sequestered.

18 MS. SWANSON: Correct. The State has no issue  
19 with the sequestration. The only witness that I would  
20 ask that could remain in the courtroom is the Case  
21 Officer, who is Josh Dowling.

22 THE COURT: No problem with that, Ms. Campbell?

23 MS. CAMPBELL: No issue with that.

24 MS. SWANSON: So, if we could move on to the  
25 Jackson v. Denna case (phonetic), Your Honor, I do

1 have two witnesses to call for that. The first witness  
2 I will call is Investigator Josh Dowling to the stand,  
3 please.

4 JOSH DOWLING,  
5 called as a witness by and on behalf of  
6 the State to testify, being first duly  
7 sworn was examined and testified as follows:

8 THE COURT: Ms. Swanson.

9 MS. SWANSON: Thank you, Your Honor.

10 \* \* \*

11 JOSHUA DOWLING,  
12 Called as a witness by and behalf of the State to  
13 testify, being first duly sworn was examined and  
14 testified as follows:

15 \*\*\*

16 VOIR DIRE EXAMINATION BY MS. SWANSON

17 BY MS. SWANSON:

18 Q Investigator Dowling, were you involved in the  
19 investigation into the murder of Veronica King?

20 A I was.

21 Q When did that -- when did that take place?

22 A It occurred on May 16th of 2017, is when it was  
23 reported to us.

24 Q Did you go out to the scene that day?

25 A I did.

1 Q Where was that?

2 A It was at the former Atlantic Inn, which is 2249  
3 Boundary Street.

4 Q Is that within the city limits of Beaufort?

5 A It is.

6 Q Who is Dale King and how is he related to  
7 Veronica King?

8 A Dale King is the Defendant and he was the husband  
9 of the deceased, Veronica King.

10 Q When did he become a suspect in Veronica's  
11 murder?

12 A Early on in the investigation.

13 Q Did you come across any evidence that placed  
14 anyone besides Dale King in the hotel room in which  
15 Veronica King was killed?

16 A No.

17 Q Did you have the opportunity to interview Mr.  
18 King?

19 A I did.

20 Q On how many occasions?

21 A On two occasions.

22 Q On the first occasion, when did that interview  
23 take place and where?

24 A That interview took place on May 16th of 2017.  
25 It occurred at the City of Beaufort Police Department,

1 is where the interview occurred.

2 Q Tell us how Mr. King got to the Police  
3 Department.

4 A We met him at the Atlantic Inn and he consented  
5 to a ride to the Police Department for an interview  
6 and we provided transportation back to the Atlantic  
7 Inn.

8 Q So, he was not taken into custody after this  
9 interview?

10 A He was not.

11 Q Let me ask you this, when did you all first  
12 arrive at the Atlantic Inn?

13 A It was around the time period of approximately  
14 8:10 that morning.

15 Q What time did the interview with Dale King occur?

16 A It would have been that morning. I don't have  
17 the specific time.

18 Q So, prior to lunch time?

19 A Yeah, it would have been roughly probably around  
20 8:30, 9:00 that morning, to the best of my  
21 recollection.

22 Q So, shortly after Veronica King's body was found?

23 A That's correct, yes.

24 Q Where did he -- did he ride in one of your cars?

25 A Yes, an unmarked City of Beaufort patrol vehicle,

1 yes. There was no cage or anything of that sort.

2 Q If you could speak up a little.

3 A Oh, sorry. My apologies.

4 Q Where in that car did he ride? If I could point  
5 you to page 11 of 36.

6 A Yes, I'm reading, "Investigator O'Dell  
7 accommodated a ride in his unmarked vehicle. King was  
8 seated on the passenger's side and I sat in the back  
9 seat.

10 Q So, Dale King sat in the front seat of an  
11 unmarked car without a cage. He was not handcuffed or  
12 anything of the sort?

13 A That's correct.

14 Q Okay. Did you ask him if he was okay with going  
15 to the Police Department to make a statement?

16 A Yes.

17 Q When you got to the Police Department, what  
18 happened then?

19 A I had asked the Defendant if he needed any drinks  
20 and he had requested coffee, which I subsequently  
21 provided to him. I also asked King if I could close  
22 the interview room door for privacy purposes and he  
23 had no objections to such.

24 I told him that we were conducting an  
25 investigation into his wife's death. I advised him

1 that anytime he needed to take a break, that he was  
2 welcome to take such. I further advised I wanted him  
3 to do what he was comfortable with. I stated that  
4 anytime he wanted to leave, to let me know and that I  
5 would terminate the interview we had.

6 Q During your interactions with him did he display  
7 signs of intoxication?

8 A No.

9 Q Did he seem to understand your questioning?

10 A Yes.

11 Q Was he able to answer your questions coherently?

12 A Yes.

13 Q Did he tell you how long he had been married to  
14 his wife?

15 A Yes.

16 Q How long was that?

17 A 35 years.

18 Q Did you all talk about any sort of medical  
19 history?

20 A Yes.

21 Q What did he say in regards to that?

22 A That his wife was having issues with seizures and  
23 had been admitted into the hospital approximately  
24 three to five years ago at Beaufort Memorial Hospital  
25 and also that he had -- the admission was due to a

1 loss of blood.

2 Q Were you able to find any other corroborating  
3 evidence of a history of seizures when it came to  
4 Veronica King?

5 A I was not.

6 Q What did Dale King say about what the couple had  
7 done the night before?

8 A He talked about socializing with a group of  
9 acquaintances, him and his wife. They were within  
10 their room. The two acquaintances were socializing,  
11 consuming alcohol and he estimated the final person  
12 was with him at roughly 10 p.m. or 10:30. I can't  
13 remember the exact time but around the 10:00 hour.

14 Q After that last person left, did anyone else come  
15 into the room?

16 A No.

17 Q And he verified that?

18 A Yes.

19 Q What else did he say about that evening?

20 A On that particular interview he said that  
21 everything was fine. There were no arguments or any  
22 fussing or anything of that nature. He advised that  
23 they both went to bed and that he was -- woke up at  
24 roughly 8:00 the next morning.

25 Q What did he find when he woke up at 8 a.m.?

1 A He rolled over, he noticed his wife was not in  
2 the bed, observed his wife was on the couch within the  
3 room.

4 Q What did he do after that?

5 A He went over, describes seeing his wife, she was  
6 naked facing -- her face was facing the back of the  
7 couch, that he rolled her over to see if she was  
8 breathing and that he subsequently put on his clothes,  
9 left the hotel room and went to the office to acquire  
10 assistance, medical assistance.

11 Q Did Veronica and Dale King have a telephone in  
12 their room?

13 A They did, yes.

14 Q Did Dale King call 911?

15 A He did not.

16 Q Who called 911?

17 A It was the owner of the hotel who had contacted  
18 the authorities.

19 Q Were you able to find out what -- let me ask you  
20 this -- did Dale and Veronica live at the Atlantic  
21 Inn?

22 A That's correct. That was their place of  
23 residence, although it was a hotel, they were residing  
24 there.

25 Q Were they also employed by the Atlantic Inn?



1 A They were. Both of them were employed with the  
2 respective hotel.

3 Q About how long had they been employed there?  
4 Years?

5 A Yes, years.

6 Q After interview number one with Mr. King, you  
7 took him back where?

8 A He was returned, he came back, he went back to  
9 the Atlantic Inn.

10 Q What was he demeanor like throughout that  
11 interview?

12 A He didn't strike me as grieving or overly  
13 emotional at all.

14 Q Well, let's just stick to not how he struck you,  
15 but was he crying?

16 A No.

17 Q Was he angry?

18 A He expressed some frustration, yes.

19 Q Did he ever ask for a lawyer?

20 A No.

21 Q Were any threats or promises made in exchange for  
22 him talking to you all?

23 A No.

24 Q You say that you told him that he was free to go  
25 at any time?

1 A Yes.

2 Q You took him back to the Atlantic Inn. About how  
3 long did that first interview last?

4 A I would say roughly, approximately 40 minutes or  
5 so. 40-45 minutes to the best of my recollection  
6 based -- looking at the -- toward the end of the  
7 interview I had indicated approximately 30-40 minutes  
8 into the interview, so the interview concluded a short  
9 time after that.

10 Q Was there anyone else in the room?

11 A No. It was solely by me.

12 Q The first interview?

13 A That's correct, yes.

14 Q Did you have the opportunity to interview him for  
15 a second time?

16 A I did, yes.

17 Q When did that interview take place?

18 A That interview occurred on May 18th of 2017.

19 Q Was anyone in the room during that interview?

20 A Yes.

21 Q Who was that?

22 A Investigator Charles Raley of the City of  
23 Beaufort Police Department.

24 Q I'm going to show you what's been marked as  
25 State's Exhibit 1 and ask if you recognize this

1 document?

2 A I do.

3 Q What is it?

4 A That's a Beaufort Police Department Miranda  
5 rights form that was presented to the Defendant of his  
6 Miranda rights.

7 Q If you can, for purposes of the Court in this  
8 hearing, go over that form as you did with Mr. King  
9 during that second interview on May 18th.

10 A Okay. At the top of the form I indicated the  
11 case number for this particular case, the date and the  
12 time and indicated the location, 1901 Boundary Street,  
13 Beaufort, South Carolina, 29902.

14 Q Is that the PD's address?

15 A That's correct, yes, and the date I indicated was  
16 May 18th of 2017 at 2:01 p.m. What I did is, I  
17 presented this to the Defendant and read off -- and  
18 I'll read it off as follows, "Before we ask you any  
19 questions, you must understand your rights.

20 You have the right to remain silent. Anything  
21 you say can and will be used against you in a court of  
22 law. You have the right to talk to an attorney and to  
23 have them present with you while you are being  
24 questioned. If you can afford to hire an attorney,  
25 one will be appointed to represent you before any

1 questions, if you wish. You can decide at any time  
2 and exercise these rights and to not answer any  
3 questions or made any statements."

4 The next field asked, "I have completed the blank  
5 grade in school," and he advised that he had completed  
6 the 11th grade in school. The next portion that  
7 required his initials, which he initialed, it reads,  
8 "I have read this statement of my rights and  
9 understand each of these rights."

10 The next passage reads, "I cannot read and the  
11 statement has been read to me sufficiently so I  
12 understand what my rights are," that was left blank by  
13 the Defendant and the very last section is, "I am  
14 willing to make a statement and answer questions. I  
15 do not want an attorney at this time. I understand  
16 and know what I am doing. No promises, threats,  
17 pressure or coercion of any kind have been used  
18 against me."

19 The Defendant initialed that. He signed at the  
20 bottom of the form. He indicated the date -- the date  
21 was indicated at the bottom with the time and  
22 Investigator Charles Raley was a witness for the  
23 signature.

24 Q Did he appear to have any trouble understanding  
25 his rights or waiving them?

1 A No.

2 Q That is your signature and then Charles Raley's,  
3 who was also present with you?

4 A At the very bottom is the Defendant's signature  
5 and at the very bottom is Investigator Charles Raley  
6 as a witness to that signature.

7 Q Okay. The State would move Exhibit Number 1 into  
8 evidence for the purposes of this hearing at this  
9 time.

10 THE COURT: Any objections?

11 MS. CAMPBELL: No objection.

12 THE COURT: States 1 is entered into evidence  
13 without objection.

14 (The aforementioned item was marked as  
15 Court's Exhibit Number 1, Miranda Rights Form,  
16 and was admitted into evidence.)

17 MS. SWANSON: Thank you, Your Honor.

18 BY MS. SWANSON:

19 Q Once he waived his Miranda rights, tell me what  
20 you all discussed?

21 A Early on in the interview he had changed from the  
22 perspective that he expressed some frustration  
23 regarding his wife. After all the parties had  
24 departed, she wanted to go in the tub and he made  
25 statements such as, "Fuck that" and "Shit. Do that in

1 the morning."

2 So, he seemed to express frustrations regarding  
3 after everyone had departed the hotel room that his  
4 wife wanted to go into the bathroom and take a shower.

5 Q Had they had -- did he tell you about disputes  
6 that they had about her showering or bathing late at  
7 night after drinking in the past?

8 A Yes, he had mentioned that, yes.

9 Q What did he say about that?

10 A He didn't like her doing that because he  
11 described her as being tipsy and had concern for her  
12 falling in the bathroom.

13 Q What did he tell you after that?

14 A We recapped the timeline events regarding  
15 everybody departing and that all mirrored the previous  
16 interview we had with him regarding the timeline  
17 details, but as we continued to interview him we  
18 confronted him regarding the injuries that we observed  
19 on his wife's face.

20 She had injuries to her lip and there was blood.  
21 He denied during a good portion of the beginning of  
22 the interview that he ever struck her and when he was  
23 questioned further regarding that, he admitted to  
24 slapping her that night during the dispute across the  
25 face with an open fist.

1           So, he admitted that there had been a physical  
2 altercation, which he had not brought up in the first  
3 interview, nor the beginning of my second interview  
4 with him.

5       Q     What else did he tell you?

6       A     He talks about previous domestic violence  
7 incidents that they have had. He talks about how he's  
8 been accused of domestic violence before and when he  
9 was asked if he placed his hands on his wife on  
10 previous occasions, he estimated one or two times that  
11 he's done such. He brought that out.

12           We asked him if, when he consumes alcohol, if he  
13 blacks out at all when he drinks, and he advised that  
14 he did not. From what he was describing that they do  
15 socially drink at night, but not to a point that they  
16 -- he wouldn't have a recollection of something with  
17 her.

18       Q     Did he ever admit to doing anything intentionally  
19 to his wife or killing her intentionally?

20       A     No, he did make statements regarding that if he  
21 did anything, it was not intentional, but he did not  
22 provide specificity of what he meant by that, but he  
23 did not admit to killing her, strangling her, or  
24 anything to that effect.

25           He did make statements towards the end of the

1 interview that if he had done something, it was  
2 unintentional, but he did not provide much more  
3 specificity.

4 Q If I could point you down to the end of page 22,  
5 did he ever talk about maybe she had an accident?  
6 Second to the last paragraph.

7 A "I questioned King if he had hit her in the  
8 middle of the night and didn't realize he had killed  
9 her," and he replied with, "No," and then, "I don't  
10 think I did." King adds that the thought she had an  
11 accident.

12 Q Then what did he say?

13 A "King adds the following," "If I hurt her, it  
14 ain't been planned. I didn't think in my right mind  
15 or something." King cited how he didn't remember the  
16 individual on the front porch.

17 Q Further along in the interview, what exactly does  
18 he admit to?

19 A Further along into the interview he advised me  
20 that they were in fact having an argument on that  
21 night in question. There was fussing going back. He  
22 also advised that he struck her across the face and  
23 that his wife proceeded to go sit on the couch and  
24 separate herself from him.

25 Q Did you have the preliminary autopsy report at



1 the time of this interview or not?

2 A I did.

3 Q Did you ever confront him about the cause of  
4 death that Dr. Batalis assigned?

5 A We discussed with him that the injuries that she  
6 had sustained would not be consistent with if she was  
7 struck, correct.

8 Q With strangulation?

9 A Correct, yes.

10 Q When you had that initial autopsy report, the  
11 cause of death came back as strangulation?

12 A Yes.

13 Q Anything else that stands out to you that Mr.  
14 King told you that night? Any inconsistencies from  
15 the initial interview?

16 A The biggest inconsistency was the fact that he  
17 acknowledged on the second interview that they were  
18 having an argument on the night in question and that  
19 he physically struck her, and she separated herself  
20 from him.

21 Q Again, was he in custody at this point?

22 A Not at that point, no.

23 Q But he was Mirandized?

24 A He was.

25 Q When exactly was he taken into custody?

1 A He would have been taken into custody right after  
2 that interview.

3 Q About how long did that interview last?

4 A It lasted several hours, that particular  
5 interview.

6 Q So, it was quite a bit lengthier than the first?

7 A Yes, much longer interview, yes.

8 Q What time of day was the interview?

9 A To the best of my recollection just going back to  
10 the first page, it would have been sometime that  
11 afternoon, to the best of my recollection.

12 Q Okay. Did the interview go into the evening?

13 A Into the late afternoon.

14 Q Was Mr. King offered bathroom, water?

15 A Yeah. Periodically, he was offered breaks  
16 throughout the interview, correct.

17 Q Did he ever request a lawyer?

18 A No, he never requested an attorney.

19 Q Did he ever ask that the questioning be stopped?

20 A No.

21 Q I have nothing further at this time for this  
22 witness.

23 THE COURT: Ms. Campbell, any questions of this  
24 witness?

25 MS. CAMPBELL: A few, Your Honor.

1

\*\*\*

2

## CROSS-EXAMINATION

3

BY MS. CAMPBELL:

4

Q Officer Raley, just so I'm clear, we're dealing

5

with two interviews. Correct?

6

A Yes.

7

Q So, the first interview is taking place the

8

morning that Veronica King is found deceased. Right?

9

A Yes.

10

Q And the second interview is taking place -- is it

11

two days later?

12

A That's correct.

13

Q Prior to the first interview that you conducted

14

with Mr. King, who had you talked to on the scene

15

about what was happening and what had been discovered?

16

Did you talk to the Coroner, did you talk to EMS?

17

Who were those people that you gathered

18

information from?

19

A When I initially arrived I spoke to the previous

20

owner, Mr. Jeff Patel and just did a walk-through of

21

the area with Investigator Raley.

22

Q I'm sorry, Investigator Raley?

23

A Yes.

24

Q So, you did not speak to anyone other than Patel

25

and Investigator Raley? Is that correct?

1 A I may have spoken briefly to the patrol officers  
2 that were there, but I can't specifically remember. I  
3 wasn't there very long.

4 Q Do you have a recollection of speaking to EMS or  
5 the Coroner?

6 A I did not, no, I did not speak to EMS, I don't  
7 believe so, nor the Coroner.

8 Q Did you, yourself, walk into the hotel room at  
9 the Atlantic Inn and view the scene?

10 A I did, yes.

11 Q You had eyes on Veronica King's body on the  
12 couch, correct?

13 A I did.

14 Q At the time you were looking at the room and  
15 observing her body, was she covered or uncovered?

16 A There was a blanket that was covering her body.

17 Q To the best of your knowledge, EMS and the  
18 Coroner had already been there, correct?

19 A EMS had been there. I don't know about -- the  
20 Coroner had not arrived yet.

21 Q You are sure you don't recall talking to the  
22 Coroner on the decking outside the Atlantic Inn?

23 A I may have briefly. I can't say that I  
24 specifically remember.

25 Q The purpose in you bringing Mr. King down to the

1 Beaufort Police Department was what, on that morning?

2 A To get a preliminary statement from him to  
3 determine what exactly happened. To just get the  
4 details regarding the events of that morning of the  
5 previous night.

6 Q I'm curious what you mean by preliminary  
7 statement. Does that mean that you intended to get  
8 more statements from him?

9 A Well, there is a death inside the hotel and we're  
10 trying to establish a cause of death.

11 Q Okay. So, there's been a death inside the hotel  
12 where, I guess, your information at that point would  
13 be that Mr. King was the only person in the room where  
14 the deceased was, right?

15 A Well, I think at that juncture, I didn't know who  
16 was in the room. I was simply trying to get those  
17 specific details. That was the purpose of  
18 interviewing the Defendant.

19 Q Your testimony to this Court is that you were  
20 just talking to Mr. King and he's not a suspect in the  
21 death of his wife that morning. Is that your  
22 testimony?

23 A My testimony is, it was -- the investigation was  
24 still ongoing. We -- everyone would be a suspect  
25 until ruled out.

1 Q So, he was a suspect? If everyone was a suspect,  
2 then he was a suspect, right?

3 A Based upon the preliminary data I was given, I  
4 suppose one could say that, but I couldn't -- I was  
5 just arriving. I had to start interviewing people so  
6 I could make a better assessment of the case.

7 Q Moving on to the second interview. Two days  
8 later you have the autopsy report in your hand, and it  
9 says strangulation?

10 A Yes.

11 Q You've gathered information that tells you that  
12 Mr. King and Mrs. King were the only two occupants  
13 overnight in that room where they lived at the  
14 Atlantic Inn. Right?

15 A That's correct.

16 Q So, your everyone pool of suspects is now  
17 narrowed considerably to just Mr. King, right?

18 A Yes, that's correct.

19 Q Okay. Then, of course, then you present him with  
20 the Miranda form, right, that's been marked State's  
21 Exhibit 1, right?

22 A That's correct, yes.

23 Q That's all I have.

24 MS. SWANSON: Thank you. I would just ask that  
25 Investigator Dowling be allowed to step down and I

1 would then call the next witness, Charles Raley.

2 THE COURT: Who is the next witness?

3 MS. SWANSON: Charles Raley, Investigator.

4 THE CLERK: Investigator Charles Raley, if you  
5 could please take the stand.

6 \*\*\*

7 CHARLES RALEY,  
8 called as a witness by and on behalf of  
9 the State to testify, being first duly  
10 sworn was examined and testified as follows:

11 \*\*\*

12 VOIR DIRE EXAMINATION BY MS. SWANSON

13 BY MS. SWANSON:

14 Q Investigator Raley, were you involved in the  
15 investigation of the death of Veronica King?

16 A Yes, ma'am.

17 Q How so?

18 A I was an assistant investigator for the case.

19 Q Who did you go to the scene with?

20 A Investigator Dowling.

21 Q What did you do once you got to the scene?

22 A My primary responsibility was photographing and  
23 evidence collection.

24 Q You didn't take part in that first interview with  
25 Mr. King, did you?

1 A No, ma'am.

2 Q Were you processing the scene at that time?

3 A That's correct.

4 Q We're talking about May 16th of 2017?

5 A Yes, ma'am.

6 Q That would be in the morning hours?

7 A That's correct.

8 Q Did you have the opportunity to participate in a  
9 second interview of Mr. King?

10 A Yes, ma'am.

11 Q Along with who?

12 A Investigator Dowling.

13 Q Was that video and audio recorded?

14 A It was.

15 Q Was he provided with his Miranda warning?

16 A He was.

17 Q I'm going to show you what's been entered as  
18 State's Exhibit Number 1 and ask if that is your  
19 signature at the bottom of this Miranda form?

20 A Yes, ma'am, it is.

21 Q So, you were present during this warning?

22 A That's correct.

23 Q Did Mr. King indicate at any time that he did not  
24 understand this warning?

25 A No, ma'am. He did not.



1 Q Did he ever request a lawyer?

2 A No, ma'am.

3 Q Was he ever promised anything in exchange for a  
4 statement?

5 A No, ma'am. He was not.

6 Q Was he ever coerced?

7 A No, ma'am.

8 Q Was he given the ability to have a bathroom break  
9 or have something to drink?

10 A Yes, ma'am, he was.

11 Q About how long did that interview last?

12 A That particular one, maybe -- I would have to  
13 guess. Maybe 45 minutes to an hour.

14 Q Would you be surprised if it was actually a few  
15 hours long?

16 A I would.

17 Q Well, did you review that tape prior to your  
18 testimony today?

19 A Yes, ma'am.

20 Q That's all I have for this witness at this time.

21 THE COURT: Do you have any cross-examination,  
22 Ms. Campbell?

23 MS. CAMPBELL: No, sir.

24 THE COURT: You may step down.

25 MS. SWANSON: Thank you, and I would ask that

1 Charles Raley be allowed to be excused at this time.

2 THE COURT: Any objections?

3 MS. CAMPBELL: No objection.

4 THE COURT: Does the State have any other  
5 witnesses?

6 MS. SWANSON: That would complete the State's  
7 presentation. I wasn't -- I don't know if the Defense  
8 intends to --

9 MS. CAMPBELL: No. We have nothing, Your Honor.

10 MS. SWANSON: At this time, Your Honor, I would  
11 ask that you rule Mr. King's statement as voluntary.  
12 While we still do not have a confession, if you will,  
13 we do have admission by a party present that the State  
14 would be seeking to get into through, primarily  
15 through Investigator Dowling.

16 I did want to proffer the testimony of  
17 Investigator Raley in reference to the second  
18 interview, just to corroborate the fact that he was  
19 Mirandized as Investigator Dowling said and that they  
20 did follow all of the precautions when dealing with a  
21 custodial interview. Thank you.

22 THE COURT: Ms. Campbell, anything that you want  
23 to add?

24 MS. CAMPBELL: I'm fine, Your Honor.

25 THE COURT: Anything you want to add?

1 MS. CAMPBELL: Just for argument, Your Honor, the  
2 Defendant takes the position that, first and foremost,  
3 the first interview, would be the only one essentially  
4 a custody situation in terms of the necessity to  
5 provide Miranda. The officer testified under oath  
6 that my client was a suspect at the time.

7 Now, I understand merely being a suspect might  
8 not necessarily trigger the necessity for Miranda.  
9 However, Mr. King was at the police station and he was  
10 seen subject to questioning, he was a suspect in the  
11 case and we take the position that he should have been  
12 afforded Miranda. Which is exactly what happened  
13 according to the testimony of the officer, did happen,  
14 which is, he took some preliminary, very condensed  
15 information from Mr. King and then he wants to now use  
16 that to juxtaposition it against the formal interview  
17 that he goes into great detail with.

18 So, again, we take the position that the first  
19 interview should be excluded. He should have been  
20 given Miranda and he wasn't. He was clearly a suspect  
21 and we take the position that he was in custody and as  
22 far as the second interview would be concerned, we  
23 would take tie everything that happened after that to  
24 the inadmissibility of the first interview.

25 He should have been given Miranda, which would be

1 a second interview, subsequent to the unlawfully  
2 obtained first statement. Thank you, Your Honor.

3 THE COURT: Okay. Anything from the State?

4 MS. SWANSON: If I must.

5 THE COURT: No, that's fine.

6 MS. SWANSON: Okay. Thank you.

7 THE COURT: Ms. Campbell, I have got to admit, I  
8 like the way you asked the question of Investigator  
9 Dowling, but he wasn't in custody for the first  
10 interview. He was riding in the police car. Not in  
11 shackles, anything like that. Any statements he made  
12 were voluntary. He certainly should have known why he  
13 is brought down there just to try and get some general  
14 information.

15 In the second interview he was Mirandized, so any  
16 statements he made could be used against him and he  
17 made those statements there. I note your objection to  
18 my ruling, so that will be preserved.

19 What have we got next?

20 MS. CAMPBELL: Thank you, Judge.

21 MS. SWANSON: Thank you, Your Honor. The second  
22 or the next matter would be the 404(b) evidence. The  
23 State, and if I may, I do have a filed copy of the  
24 motion and memorandum in support of the introduction.

25 THE COURT: I think I have got that. Is that

1 this?

2 MS. SWANSON: It is. But I was just going to  
3 make it a Court's exhibit.

4 MS. CAMPBELL: Same thing for the Defendant, if  
5 you would.

6 THE COURT: And that's yours?

7 MS. SWANSON: That's correct. That's Ms.  
8 Campbell's. Thank you. What the State is seeking to  
9 admit is the prior history of difficulties between the  
10 parties under current South Carolina case law as well  
11 as prior domestic violence incidents, which is subject  
12 to a 404(b) analysis. Obviously, I know that the  
13 Court is aware of what 404(b) addresses and the  
14 exceptions to where evidence of other crimes could be  
15 admissible under certain circumstances.

16 THE COURT: Wouldn't this be -- this is -- the  
17 only ones that I saw that you had was the March 18th,  
18 2017?

19 MS. SWANSON: That is the domestic violence  
20 incident where Mr. King was arrested. However, some  
21 of the prior difficulties are more just from lay  
22 witnesses, so it's just about their relationship  
23 history, that there were prior difficulties between  
24 the parties that go to prove animus and motive in a  
25 homicide case.

1 THE COURT: How far back do you intend to try and  
2 go?

3 MS. SWANSON: Well, I mean -- the couple had been  
4 married for 35 years and I'm not seeking to have law  
5 enforcement testify to it, but the victim's sister,  
6 Bessie Bates, can testify about the fact that they had  
7 a tumultuous relationship.

8 I know that under case law maybe specific details  
9 may not be appropriate with particular fights or  
10 anything like that, but I do think in a domestic  
11 homicide case, it's extremely relevant and probative  
12 to talk about the relationship because it goes into  
13 the cycle of abuse basically.

14 THE COURT: When I was reading your memorandum, I  
15 saw that you all -- that the March incident was  
16 witnessed by their daughter.

17 MS. SWANSON: That's correct.

18 THE COURT: Okay.

19 MS. SWANSON: So, I would also be, in addition to  
20 Bessie Bates, the sister of the victim, I would be  
21 offering Naomi King, the daughter of the victim and  
22 Trish Brubaker, the responding officer to that March  
23 17th, 2017 incident which occurred just shy of two  
24 months of the murder.

25 THE COURT: Just so I have got it straight, it

1 happened two months before. Has the case been nolle  
2 prosed?

3 MS. SWANSON: No. It was still pending at the  
4 time.

5 THE COURT: Okay. At the time this incident  
6 occurred.

7 MS. SWANSON: Yes, sir. It's still pending now.

8 THE COURT: Yes, ma'am.

9 Anything else you want to tell me, Ms. Swanson?

10 MS. SWANSON: No, I'm just prepared to proffer  
11 testimony from Bessie Bates or Trish Brubaker, the  
12 responding officer. Naomi King was not able to come  
13 until tomorrow, so whatever the Court wishes as far as  
14 that goes.

15 THE COURT: Okay. If you want to go ahead and  
16 proffer it now, so I can hear it.

17 MS. SWANSON: Bessie Bates?

18 THE COURT: You said Bessie or Becky?

19 MS. SWANSON: Bessie, B-e-s-s-i-e.

20 THE COURT: Thank you, ma'am.

21 \*\*\*

22 BESSIE BATES,

23 called as a witness by and on behalf of

24 the State to testify, being first duly

25 sworn was examined and testified as follows:

\*\*\*

VOIR DIRE EXAMINATION BY MS. SWANSON

BY MS. SWANSON:

Q Thank you, Ms. Bates. Thanks for being here this afternoon. Tell me who Veronica King is in relation to you?

A She is my sister.

Q When did you meet Dale King?

A Back in '87.

Q If you can speak up a little bit for me, please?

A '87 or '88.

Q Did you know Dale and Veronica from the beginning of their marriage?

A Yes.

Q For the next 30 years did you know them?

A Yes.

Q How would you describe their relationship?

A As long as I can remember, there was days they had some pretty good days but for the most part, it was arguing, fighting, fussing.

Q Did you ever give Veronica any advice about Dale?

A Yes. There were several times I told her, went to see her and she --

Q Without telling me what she said, what was your advice to her?



1 A Oh, that she needed to move away from the  
2 situation.

3 Q Did you give her that advice once, twice, a  
4 number of times?

5 A Several times.

6 Q Okay. When you -- let me ask you this, when did  
7 you find out Veronica was dead?

8 A When I got the phone call at 9:00. It was 9:00  
9 that Tuesday morning. I went there in hopes to see my  
10 sister at least before, you know, they took her away  
11 and stayed there for maybe two, two and a half hours.  
12 They brought her out and that was the last time.

13 Q That was the last time you saw her? Did you make  
14 contact with -- did you have contact with Dale when  
15 you were at the Atlantic Inn that morning?

16 A Yes.

17 Q What was he like that morning?

18 A He was fidgeting, crying, and said he was  
19 grieving and so we grieved with him. We grieved with  
20 him and tried to support him in that and then later  
21 on before I got there, they took him away and they  
22 brought him back and so, yeah, we grieved with him  
23 that day.

24 Q When they brought him back, you mean the Beaufort  
25 Police Department brought him back, and then what did

1 you guys do after that? Did you invite him into your  
2 home for the night?

3 A Yes, we did.

4 Q Why is that?

5 A Because I thought that the environment was not  
6 good for him to be in. You need to come home, get a  
7 shower, you know, take him to get a shower and he  
8 refused so we just kind of forced him to try to take  
9 him away from that environment.

10 Q When you say the environment, do you mean the  
11 room that she died in?

12 A Yes, yes.

13 Q What happened that night and -- is your residence  
14 in St. Helena?

15 A Yes.

16 Q You took him over to St. Helena, and what  
17 happened then?

18 A We brought him home and he was frantic, like he  
19 got -- "I have got to go back," he said, "I have got  
20 to go. I have got to get back."

21 He said he needed to do something and he, my  
22 husband waited for him, he tried to stay up with him.

23 About 2:00 in the morning -- 2:00 in the morning  
24 I went to bed and about 2:00 I heard the door open so  
25 I got up and told my husband, I said, "I think Dale is

1 at the house."

2 So, he ran over to the neighbor's, I guess, and  
3 got a ride from there and came back, went straight  
4 back to the hotel.

5 Q At some point he disappeared from your place on  
6 St. Helena that night?

7 A Yes.

8 Q Was that the last time you saw him before he was  
9 arrested?

10 A Yes.

11 Q Thank you, Bessie. Please answer any questions  
12 that Ms. Campbell may have for you.

13 THE COURT: Ms. Campbell, any questions?

14 MS. CAMPBELL: No questions.

15 THE COURT: You may step down.

16 (Witness exits witness stand.)

17 MS. SWANSON: I would ask that she be allowed to  
18 be excused.

19 THE COURT: Any objection?

20 MS. CAMPBELL: No objection.

21 THE COURT: You may go back. Thank you, ma'am.  
22 Ms. Swanson?

23 MS. SWANSON: Brubaker, please.

24 Your Honor, if there's no objection, because  
25 Naomi was not available this afternoon, if I may just

1 elicit some hearsay from Trish Brubaker just so that  
2 you can get an idea of what Naomi would be saying.  
3 She did provide a written statement.

4 THE COURT: And you've got a copy of the written  
5 statement?

6 MS. CAMPBELL: I have seen the written statement.  
7 You could just put the written statement in --

8 MS. SWANSON: Oh, sure.

9 \*\*\*

10 TRISH BRUBAKER,  
11 called as a witness by and on behalf of  
12 the State to testify, being first duly sworn was  
13 examined and testified as follows:

14 \*\*\*

15 VOIR DIRE EXAMINATION BY MS. SWANSON:

16 BY MS. SWANSON:

17 Q Officer Brubaker, remind me what your rank is.

18 A I'm a first sergeant.

19 Q First sergeant, and did you respond to the  
20 Atlantic Inn on March 18th of 2017?

21 A I did.

22 Q Can you tell us about that? What do you recall?  
23 What were you called out to do?

24 A The Beaufort City Police Officers, we were  
25 contacted to head out to the Atlantic Inn in regards

1 to a report of a domestic going on in Room 233.

2 Q Upon coming up to the door, what did you observe  
3 or hear?

4 A Upon myself and Officer White walking up to the  
5 door, we could audibly hear a male voice arguing as we  
6 walked up, prior to our making that knock.

7 Q Who answered the door?

8 A The male subject, identified there as Dale King.

9 Q Is he in the room today?

10 A He is.

11 Q Can you point him out for me?

12 A I can. He's the gentleman sitting in the black  
13 coat.

14 Q When Mr. King answered the door, what did he say  
15 to you all?

16 A I believe, if my recollection serves me  
17 correctly, he asked what we were doing there and what  
18 did we need?

19 Q Did he ever tell you, "You must have the wrong  
20 room?"

21 A I can't recollect that.

22 Q What did you tell him?

23 A We told him that we were here due to a call of a  
24 domestic disturbance. It was an anonymous call, at  
25 which point in time Officer White and myself separated

1 Mr. King from the room, and he stepped outside with  
2 Officer White as I stepped inside with the female.

3 Q Where was Veronica when you came inside Room 233,  
4 when you first made contact with her?

5 A When I first walked in, she was laying in the  
6 bed. It was a very large bed. She was laying in it  
7 and she had the covers pretty much pulled all the way  
8 up to her neck.

9 Q Did you notice any injuries on her?

10 A Yeah. As soon as I walked in I did see she had  
11 kind of like a contusion on her head and I noticed  
12 that she had kind of like some swelling going on  
13 around her lower left eye area and her lip area.

14 Q Was there anyone else in the hotel room?

15 A There was.

16 Q Who was that?

17 A We were able to identify a female party. I can't  
18 recollect her exact age. I know she was about 18 or  
19 so, give or take, and she was in the bathroom area. I  
20 believe it was one of the children, Naomi King. I was  
21 able to identify her and began to interview with her  
22 as well.

23 Q In addition to interviewing her, did you obtain a  
24 written statement on her?

25 A We did.

1 Q I'm going to show you what's been marked as  
2 State's Exhibit 2 and ask if this is the written  
3 statement that you took from Naomi King.

4 A This is from that case.

5 MS. SWANSON: At this time, I would offer State's  
6 2 into evidence for the purposes of this hearing.

7 MS. CAMPBELL: No objection.

8 THE COURT: It is in without objection.

9 (Court Reporter marks Court's Exhibit Number 2,  
10 Statement, attached hereto.)

11 MS. SWANSON: If I could publish it via Officer  
12 Brubaker or we can --

13 THE COURT: She said, I can read it or you can  
14 publish it.

15 Ms. Campbell, do you have any preference?

16 MS. CAMPBELL: Your Honor can read it.

17 MS. SWANSON: If he can hand it to Your Honor.

18 THE COURT: Thank you. Okay. I have read it,  
19 Ms. Swanson.

20 MS. SWANSON: Thank you.

21 BY MS. SWANSON:

22 Q Officer Brubaker, did you make any arrests that  
23 night?

24 A We did.

25 Q Who did you arrest?

1 A We ended up determining that Dale King was the  
2 primary aggressor due to the physical manifestations  
3 and the statement gathered from Naomi King.

4 Q What was he arrested for?

5 A He was arrested for domestic violence.

6 Q In the what degree? Was it third degree?

7 A I believe so.

8 Q I have nothing further. Please answer any  
9 questions Ms. Campbell may have for you.

10 THE COURT: Any questions, Ms. Campbell?

11 MS. CAMPBELL: No, Your Honor.

12 MS. SWANSON: I would ask that Officer Brubaker  
13 be excused at this time.

14 THE COURT: Any objection?

15 MS. CAMPBELL: No objection.

16 THE COURT: Thank you, ma'am. You may step down.

17 (Witness exits witness stand.)

18 MS. SWANSON: Your Honor, that is essentially  
19 this afternoon regarding just relationship and the  
20 March 2017 domestic violence incident that the State  
21 would be seeking to enter. I do think that, and I'm  
22 not sure -- you would like the State to provide you  
23 with a copy or if you already have a copy of State v  
24 Smith, which I did say in my memorandum.

25 THE COURT: I think I do. You all were kind



1 enough to bring a lot of things to my attention that  
2 we tried to copy them all. What do you want to tell  
3 me about State v Smith?

4 MS. SWANSON: State v Smith does address the  
5 admittance of a prior domestic violence. In this  
6 case, in State v Smith, it was actually a conviction  
7 but I don't think it really -- I don't think that  
8 matters because I would still have to prove it under  
9 404B by clear and convincing evidence, which I believe  
10 I did provide the Court a case with that defines that.  
11 But State v Smith is 337SD271999 South Carolina  
12 Supreme Court Case which did uphold the admittance of  
13 a prior act established the intent and lack of mistake  
14 or accident.

15 This is a situation where a strangulation that  
16 occurs and Mr. King is the only person in the room  
17 that can tell us what happened and he does make  
18 statements that don't correspond with the medical  
19 findings and tries to sort of make a case for an  
20 accident or some sort of mistake or some sort of  
21 misdiagnosis and so, because of that it is extremely  
22 prejudicial, and I believe that the probative value  
23 certainly outweighs the prejudicial value in  
24 determining and allowing the jury to hear the  
25 testimony about the state of their relationship and

1 what happened just shy of two months prior.

2 THE COURT: The closeness, I think I don't have  
3 any real argument with, but again, in Smith and I have  
4 got a copy of it, that was a conviction.

5 MS. SWANSON: Correct.

6 THE COURT: You all have a conviction in this  
7 case because she was killed two months later.

8 MS. SWANSON: Correct.

9 THE COURT: Okay. Anything else you want to tell  
10 me Ms. Swanson?

11 MS. SWANSON: No, if you want to hear from the  
12 Defense and if anything new comes up.

13 THE COURT: If you want to put it into evidence  
14 for the purpose to show that their relationship had  
15 deteriorated substantially at that time or something  
16 like that?

17 MS. SWANSON: No. I want to put the prior DV  
18 into evidence to show intent and lack of mistake or  
19 accident under 404B.

20 THE COURT: Okay. All right. Anything else?  
21 Ms. Campbell?

22 MS. CAMPBELL: May it please the Court, Your  
23 Honor, obviously Defendant's reply to the State's  
24 motion has been clocked, filed and Your Honor has a  
25 copy of it and it's in the record of the case and, of

1 course, I'm not going to rehash it. I know Your Honor  
2 has reviewed it.

3 THE COURT: I'm sorry. Are you talking about - -  
4 are you talking about your --

5 MS. CAMPBELL: This is the Defendant's reply to  
6 the State's motion?

7 THE COURT: Yeah, I have got -- I think I have  
8 got that.

9 MS. CAMPBELL: And nothing to rehash that, but  
10 what I will say is this, briefly, is that -- okay,  
11 there's the phrase, "have your cake and eat it too."  
12 So, the State wants to take these statements that Mr.  
13 King gave to law enforcement, when they're asking him  
14 all about what happened and they want to say, well, in  
15 these statements, he says, "I don't really know what  
16 happened. It might have been an accident."

17 She was in the shower, she fell, whatever. So,  
18 they want to take that and say, "Well, he says this  
19 was an accident." What he said was, "I don't know  
20 what happened to her." She said, the officer said he  
21 never said anything more than, "I really don't know  
22 what happened." "I really don't know how this  
23 happened."

24 So, it's not that he's arguing or pleading or  
25 going to present some defense that this was an

1 accident because that's not going to happen. And  
2 without that happening, then the State has no need for  
3 this evidence.

4 We're not saying -- we're not going to put up a  
5 case or make some argument that this was all some  
6 horrible accident. The State should rely on the  
7 statements as given. We're going to rely on them as  
8 given.

9 Your Honor has ruled them admissible and if Your  
10 Honor allows the statement -- crack this door open  
11 with Bessie, "Oh, my goodness," you know, "Oh, I told  
12 her to leave. It was a tumultuous relationship. I  
13 told her several times she needed to get away from  
14 that man. They were arguing all the time, fighting  
15 all the time, fussing all the time."

16 Then, just through that crack in the door here,  
17 this courtroom is going to be flooded with cycle of  
18 abuse and any other number of types of descriptors for  
19 Ms. King. By the time the State gets to closing  
20 arguments, we'll have a full-fledged violent drunk who  
21 beats his wife and this was the night that it all  
22 ended, the cycle of abuse for Veronica King.

23 So, we would like to defend on the indictment  
24 that we're here about. We would like to defend and  
25 keep ourselves strictly to the facts in evidence. Was

1 the autopsy -- they're going to testify what they  
2 found. But having to defend against some incident  
3 from three months prior and then of a lifetime of a  
4 marriage. 35 years. It's just repeated behavior over  
5 and again.

6 We would object to both avenues of improper  
7 testimony. Thank you, Judge.

8 THE COURT: Ms. Campbell, before you sit down.

9 MS. CAMPBELL: Yes, sir.

10 THE COURT: Let me answer your question. I take  
11 it from what you're telling me that he does not intend  
12 to testify?

13 MS. CAMPBELL: You know, Your Honor, as I stand  
14 here now, my answer would be no. However, you and I  
15 both know that --

16 THE COURT: No, you're okay.

17 MS. CAMPBELL: Right, but at the end of the  
18 State's case, that is when the full meaning of --  
19 well, what's in evidence? He's got to review that  
20 with me and then make a final decision. I don't know  
21 where we'll be, but in our conversations, Dale  
22 couldn't -- again, his statements already have set the  
23 stage. I don't really see what he would add or  
24 change.

25 THE COURT: I'm not asking you to, but let me

1 tell you what my -- what my consideration is right  
2 now. Say that I say it doesn't come in. Okay?  
3 Because I'm looking at Smith and it said one of the  
4 reasons they have let it come in, the convictions come  
5 in, was to establish the Defendant's state of mind and  
6 to rebut his claim of an accident, which is what your  
7 argument is.

8 If he's not claiming it was an accident --

9 MS. CAMPBELL: We're not.

10 THE COURT: But isn't that what he -- and I don't  
11 remember, but in his statements to Investigator  
12 Dowling, he says it could have been an accident. He  
13 doesn't know anything about it.

14 MS. CAMPBELL: And again, those are Dowling's  
15 characterizations and pulling one sentence versus the  
16 next sentence. So, sure, I mean, you can cherry pick  
17 the statement if you want, but the general gist is in  
18 the end, "I don't know what happened." And we're  
19 certainly not pursuing a defense of accident.

20 No, that's not our position.

21 THE COURT: All right.

22 MS. SWANSON: Your Honor, if I may, briefly?

23 THE COURT: Yes.

24 MS. SWANSON: The problem is that I don't have  
25 luxury of knowing what the defense is going to

1 present, and I have to prove murder. I have to prove  
2 malice aforethought and state of mind and that all  
3 comes into play and this is proper evidence admissible  
4 to prove state of mind and intent.

5 That whole slew of cases that examined evidence  
6 of prior disputes, ill feelings and hostile acts in  
7 the homicide case is to establish a turbulent  
8 relationship between Defendant and Victim in order to  
9 point towards state of mind. Those are all -- that's  
10 good South Carolina case law.

11 THE COURT: No, I agree. I agree.

12 MS. SWANSON: And that is for the purpose that I  
13 wish to enter those. I think State v Williams, in  
14 particular, where the Court pulled the evidence and  
15 marital discord was admissible, a husband's trial for  
16 the murder of his wife, it's just that the details of  
17 the difficulties are not admissible and I certainly  
18 think that the advice to her sister over the years of  
19 marriage are completely admissible.

20 The prior DV, while not a conviction, I do  
21 believe we can prove through clear and convincing  
22 evidence, which is defined in Lecture as -- "the  
23 degree of proof which will produce in the mind of the  
24 tryer fact, a firm belief as to the allegations sought  
25 to be established. Such proof is intermediate and

1 more than a mere preponderance but less than is  
2 required for proof beyond a reasonable doubt." But it  
3 does not mean clear and unequivocal.

4 So, you don't have to have an actual conviction  
5 or that prior DV to come in and whether or not the  
6 Defense intends to ask for a charge on accident,  
7 whether or not Dale King intends to take the stand and  
8 try and claim it was an accident, there was mentioned  
9 by him, "Oh, it must have been an accident," to Josh  
10 Dowling and any questions about that are certainly  
11 there for cross-examination.

12 Thank you, Your Honor.

13 THE COURT: Thank you. Just so the testimony  
14 that I heard from Ms. Bates about the prior  
15 relationship, that's going to be the extent of what  
16 she says if she's put under oath tomorrow, right?

17 MS. SWANSON: Yes, sir, and then just what  
18 occurred that night and I went a little further just  
19 so that Ms. Campbell could hear.

20 Yes, sir.

21 THE COURT: Ms. Campbell, just out of curiosity,  
22 did you all request a charge of accident?

23 MS. CAMPBELL: I don't know if I put it in there  
24 or not. If I did --

25 THE COURT: And you don't have to withdraw it.



1 MS. CAMPBELL: No, it's just I'm sure -- I'm one  
2 of those covering all my bases beforehand.

3 THE COURT: I know. I understand.

4 MS. CAMPBELL: Make sure I don't forget. Just in  
5 case.

6 THE COURT: Yeah, I understand. What I'm going  
7 to do is -- I have heard what the proffered testimony  
8 is going to be. I do think in trying to prove malice  
9 and things like that, the State will get to put in the  
10 testimony of the prior difficulties and the prior --  
11 the generalized prior difficulties that the sister  
12 talked about and the testimony about the events two  
13 months before, which I think would be appropriate.

14 Ms. Campbell, I'm going to note your objection to  
15 my ruling on the record so that will be preserved in  
16 case you need that. Okay?

17 MS. CAMPBELL: Thank you, Your Honor.

18 THE COURT: What's next?

19 MS. CAMPBELL: If it please the Court, the State  
20 has provided me with the criminal records of the  
21 witnesses, the lay witnesses. I have reviewed them  
22 and I don't know if the State would argue with me, but  
23 any of the crimes, the property type crimes, the  
24 burglaries, the fraud checks, the petty larcenies, all  
25 of those could be used upon cross-examination when the

1 witnesses is testifying.

2 MS. SWANSON: If it was in the past ten years.

3 THE COURT: Within ten years at the end of the  
4 sentence too.

5 MS. CAMPBELL: Right. So, I think what I need to  
6 do is look at it more clearly and tonight perhaps, and  
7 get the dates right because there are records from  
8 many different states and it's a little bit difficult  
9 to follow.

10 MS. SWANSON: Actually, I am -- I think probably  
11 the two that you're looking at mainly are Paul Watts  
12 and Robert Frazier, who I am likely not calling and so  
13 those may be a moot point anyway.

14 MS. CAMPBELL: All right.

15 THE COURT: Well, just so you know, let me just  
16 tell you how I'm looking at this as a general rule.  
17 You've got some leeway putting in stuff about prior  
18 difficulties. I'm going to have to -- she's going to  
19 have some leeway about going as to any bad, any crimes  
20 or anything like that.

21 MS. SWANSON: Yes, sir.

22 THE COURT: I think that if we want the Jury to  
23 get kind of a full flavor of it, we need to at least  
24 give them a chance to get acquainted with it.

25 MS. SWANSON: Sure.

1 MS. CAMPBELL: Number 6 is not an issue

2 MS. SWANSON: That's correct.

3 MS. CAMPBELL: Number 7 relates to photographs,  
4 and I don't know if the State has already marked them  
5 or not but I haven't seen them so I would need to have  
6 an opportunity to look at them and then place any  
7 objections based on the exhibit number.

8 THE COURT: Just so you all know, I'm not big on  
9 trying to get bloody, gory pictures into evidence.

10 MS. SWANSON: Your Honor, the only one that is --  
11 I have printed them out in black and white and in  
12 color. Let me -- and I will --

13 THE COURT: Before you do -- let her look at  
14 them. It might not be that much of an issue. It may  
15 be. I don't know. And we can discuss that first  
16 thing in the morning.

17 MS. SWANSON: Sure. We can do that and I'll --  
18 should I provide the Court with the case now or just  
19 in the morning?

20 THE COURT: You can go ahead and give it to me  
21 now.

22 MS. SWANSON: The purpose of the throat  
23 dissection, which is probably the goriest, would be so  
24 that the pathologist can talk about the six different  
25 muscles that he found hemorrhaging in out of the ten

1 that he examined and that goes to the force of the  
2 strangulation. They would hear that anyway.

3 We can -- I will get these marked and Ms.  
4 Campbell can look at them and I guess we can take  
5 those up in the morning.

6 THE COURT: What about Number 8?

7 My question was are you talking about at the end  
8 of the case?

9 MS. CAMPBELL: Well, really, I'm speaking to the  
10 testimony of the lay witnesses. It's my understanding  
11 now that we are down to just Ms. King's sister and  
12 brother-in-law perhaps.

13 MS. SWANSON: Yes, it would be sister, brother-  
14 in-law and daughter, but she's going to talk about  
15 that particular incident and there are no other  
16 sisters that will be, I mean daughters, that will be  
17 testifying.

18 THE COURT: Are you just stating that, in fact,  
19 you don't want to say "We'll never have Christmas with  
20 her again," and all that kind of stuff?

21 MS. CAMPBELL: Correct.

22 THE COURT: I would caution you that I don't want  
23 to get into that during the trial in chief because  
24 that doesn't have anything to do with whether he did  
25 it or not.

1 MS. CAMPBELL: Correct.

2 THE COURT: So, is that what you were getting at,  
3 Ms. Swanson?

4 MS. SWANSON: Yes, sir.

5 THE COURT: Do we have anything else we've got to  
6 take care of from the State's position?

7 MS. SWANSON: No, sir.

8 THE COURT: Ms. Campbell, anything else from the  
9 Defense?

10 MS. CAMPBELL: No, sir.

11 THE COURT: Okay. Well, thank you all.

12 (Whereupon, at 4:18 p.m. the proceedings were  
13 continued to be resumed the following day without  
14 interruption.)

15 \*\*\*

16 END OF VOLUME I

17

18

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21

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23

STATE OF SOUTH CAROLINA  
BEAUFORT COUNTY

IN THE COURT OF GENERAL SESSIONS  
CIRCUIT COURT DIVISION  
2017-GS-07-00810

-----x  
State of South Carolina, :  
                                  : Plaintiff, :  
                                  : vs. :  
Dale Eugene King, :  
                                  : Defendant. :  
-----x

TRANSCRIPT OF TRIAL  
VOLUME II  
PAGES 116 - 258

December 10, 2019  
Beaufort, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge Presiding.

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## I N D E X

|                                   |     |
|-----------------------------------|-----|
| PROCEEDINGS                       | 119 |
| OPENING STATEMENT BY MS. SWANSON  | 137 |
| OPENING STATEMENT BY MS. CAMPBELL | 139 |
| WITNESS: MATTHEW BOSHER           |     |
| Direct Examination                | 143 |
| Cross-Examination                 | 150 |
| WITNESS: ANJOHNENE DRAKE          |     |
| Direct Examination                | 152 |
| Cross-Examination                 | 155 |
| WITNESS: ATUL PATEL               |     |
| Direct Examination                | 157 |
| Cross-Examination                 | 159 |
| WITNESS: CHET PATEL               |     |
| Direct Examination                | 160 |
| Cross-Examination                 | 164 |
| WITNESS: JEROME BATES             |     |
| Direct Examination                | 166 |
| WITNESS: CHARLES RALEY            |     |
| Direct Examination                | 183 |
| Cross-Examination                 | 188 |
| WITNESS: JOSHUA DOWLING           |     |
| Direct Examination                | 193 |
| Cross-Examination                 | 204 |
| Redirect Examination              | 214 |
| WITNESS: NICK BATALIS             |     |
| Direct Examination                | 216 |
| Cross-Examination                 | 229 |
| WITNESS: BESSIE BATES             |     |
| Direct Examination                | 234 |
| WITNESS: NAOMI KING BELK          |     |
| Direct Examination                | 238 |
| Cross-Examination                 |     |

|          |                    |     |
|----------|--------------------|-----|
| WITNESS: | TRISHA BRUBAKER    |     |
|          | Direct Examination | 241 |

|                       |     |
|-----------------------|-----|
| PROCEEDINGS CONTINUED | 256 |
|-----------------------|-----|

## E X H I B I T S

| ITEM NUMBER        | DESCRIPTION     | PAGE |
|--------------------|-----------------|------|
| S-01               | Miranda Warning | 200  |
| S-3A - 3H, 3J - 3M | Photos          | 185  |



## P R O C E E D I N G S

\* \* \*

## BEAUFORT, SOUTH CAROLINA

(Whereupon, the following proceedings were held in open court. The Defendant was present with his attorney, along with counsel for the State.)

1 THE COURT: So I understand there's an issue  
2 about photographs?

3 MS. CAMPBELL: Correct.

4 MS. SWANSON: Yes, Your Honor, there are seven  
5 photographs that the Defense is objecting to. If I  
6 may hand them up and we can go through them and I'll  
7 relay to the Court the relevance and why I'm seeking  
8 to get them in.

9 THE COURT: Okay.

10 MS. SWANSON: First and foremost, I do want to  
11 address just that the case that I handed The Court  
12 yesterday --

13 THE COURT: Martucci?

14 MS. SWANSON: Martucci, located at 380-SC-Q32, a  
15 Court of Appeals, 2008 case, which holds that as long  
16 as crime scene photos are relevant and substantiate

1 material fact, even if they are somewhat gory or  
2 gruesome in nature, the trial court does have great  
3 leeway in allowing them in.

4 Starting with the first photo which is labeled as  
5 3D, it is a picture of the body and how it was when  
6 the Fire Department and EMS entered the scene.

7 It is important because she is on a loveseat to  
8 the right of the door as you enter. She was on that  
9 loveseat with an iPad facing that loveseat, playing  
10 movies or old shows.

11 The body appears to have been moved. There are  
12 pattern marks from the couch that the paramedic  
13 noticed and will testify to and she also appears to  
14 have, as if rigor had set in, indicating that she had  
15 been dead at least for a few hours.

16 Should we just take these one at a time?

17 THE COURT: Okay. We can do that, or you can  
18 publish them at the end.

19 MS. CAMPBELL: One at a time is fine.

20 THE COURT: Okay.

21 MS. CAMPBELL: In reference to the photographs,  
22 our position is that these photographs that we object  
23 to, which is 3D, 3E, 3I, 3J, 3K, 3L and 3M, which are  
24 calculated to arouse the sympathy of the Jury,  
25 prejudicing this Jury and that they are absolutely

1 unnecessary to substantiate facts that the State must  
2 prove, and trying to evoke to being an emotional  
3 response and decision from the Jury rather than a  
4 decision based upon the facts.

5       So, that applies to all the photographs. The  
6 argument that the State makes as to 3D, is to show how  
7 the body was positioned when the Fire Department and  
8 EMS entered the scene. That can be accomplished,  
9 again, without some cross-examination or position from  
10 the Defense, other than what they say how they found  
11 the body when they came in.

12       They can testify to this Jury how she was  
13 positioned, and the state of rigor and things of that  
14 nature which the State did produce. The photograph is  
15 not necessary for the State to prove those facts.

16 Thank you.

17       THE COURT: All right. What I -- even though  
18 we're going through them one at a time, what I want to  
19 do is after I hear about all of them, I'm going to  
20 look at each one of them.

21       MS. SWANSON: In addition to 3D, if I can just  
22 note that it is not a bloody picture. Her naked body  
23 is covered up by a sheet in that picture and, of  
24 course, that will be made part of the record, but  
25 moving on to 3E, which is a close-up of facial

1 injuries, which would obviously be unusual when the  
2 call is about a possible cardiac arrest or seizure.  
3 The Defendant tells several different stories.

4 I think it's important that the Jury see the  
5 facial injury. It is not terribly bloody or gruesome.  
6 I think in domestic violence cases, much worse  
7 pictures come in indicating injuries on people.

8 So, we would be seeking to enter that. I don't  
9 know if Ms. Campbell wants to just address a few  
10 things on that one or same arguments again.

11 MS. CAMPBELL: Right. So, the argument made  
12 initially applies to all the photographs.

13 THE COURT: I've got the --

14 MS. CAMPBELL: Specifically, as to 3E, again, the  
15 condition that the State wants to introduce, which is  
16 the bloody lip, can be accomplished through the  
17 testimony of those who discovered her and the fact  
18 that she had an injury to her lip and that it was a  
19 bloody lip. It's unnecessary and clearly, again, with  
20 the final analysis being more prejudicial than  
21 probative, then it should be excluded.

22 THE COURT: Okay. Thank you.

23 MS. SWANSON: If I may address 3I and 3J  
24 together, they depict an abrasion near the victim's  
25 tailbone. I would prefer to get 3I in, because in

1 addition to the abrasion, there is the imprint of the  
2 fabric detail from the couch, which indicates position  
3 of the body.

4       The abrasion is important along with the busted  
5 lip, because I think they are indicative of a struggle  
6 that occurred. My pathologist would testify that the  
7 abrasion would be consistent with being -- with rug  
8 burns, perhaps being drug across carpet. I did print  
9 both of those out, giving the Court a choice if the  
10 Court found one to be more offensive than the other,  
11 because it is the backside of her naked body in 3I.  
12 But again, that does further show the detail from the  
13 fabric that is imprinted on her.

14       THE COURT: You can see it in 3J as well, can't  
15 you? The fabric?

16       MS. SWANSON: Yes, sir. Okay. But not as to the  
17 rest of the body.

18       THE COURT: No, I understand.

19       MS. CAMPBELL: And the same argument to 3I and  
20 3J. It's not necessary to establish the fact the  
21 State needs to establish. She just testified, she  
22 just told the Court she would be getting information  
23 in through the pathologist in reference to the  
24 appearance of what she perceives to be a rug burn on  
25 Veronica's backside.

1 THE COURT: All right.

2 MS. SWANSON: Taking 3K and 3L in conjunction  
3 with each other, the throat dissection is important,  
4 you know, I printed a color because I think that would  
5 be easier for Dr. Batalis to point things out on, but  
6 I also printed a black and white as an option. A  
7 little less gory.

8 The throat dissection is important to Dr.  
9 Batalis' testimony because he found hemorrhaging in  
10 six out of the ten throat muscles that he examined and  
11 concluded that six out of ten had hemorrhaging and  
12 that goes to the force of the strangulation. I think  
13 the throat dissection in black and white, while  
14 perhaps a little weird, it's certainly not meant to  
15 arouse the emotions of the Jury. It's more of a  
16 medical, technical photo.

17 THE COURT: With the black and white, he can show  
18 the hemorrhaging? He can point that out as well?

19 MS. SWANSON: I think we can accomplish that.

20 MS. CAMPBELL: Same objection. She can have the  
21 pathologist testify as to the findings and no, again,  
22 the pathologist looks at this every day. It is a --  
23 it can be a startling and disturbing and emotional  
24 thing for these Jurors to have to view. The graphic  
25 photographs of the autopsy, and I object again, it's

1 not necessary for the State's case.

2 THE COURT: Okay. And the final one is?

3 MS. SWANSON: Finally, 3M depicts the injuries  
4 from the March 18th, 2017 domestic violence incident  
5 that Naomi King and Trish Brubaker will be testifying  
6 about. Those are the injuries that they observed  
7 after 911 was called on the victim. And I do not find  
8 those particularly gruesome.

9 THE COURT: I'm sorry, what?

10 MS. SWANSON: Those are not particularly gruesome  
11 and should be allowed in.

12 THE COURT: All right.

13 Ms. Campbell, anything about that one?

14 MS. CAMPBELL: In reference to 3M, this  
15 essentially is the live photo of our victim and it  
16 creates, again, to the victim impact type of  
17 testimony. We've objected consistently to that  
18 evidence coming in. It's on the record. So, of  
19 course we object to this live photo of Veronica being  
20 admitted to this Jury.

21 THE COURT: All right. Well, as far as 3M is  
22 concerned, I'm going to let it in because that's part  
23 of -- that shows her injuries for that March 18th.  
24 I'm going to let that in and please remind me, Ms.  
25 Campbell, that when these go in, that I note your

1 objection on the record.

2 Now, when I was looking at the Martucci case, it  
3 appears that similar types of photos already had come  
4 in. I think it helps the Jury to understand the  
5 actual injuries that the Defendant sustained. I am  
6 not going to put in 3K. I am going to put in the  
7 black and white, 3L. 3K is out. 3L is in. 3D is in.  
8 3E is in.

9 I think both of them just show damage and I don't  
10 know what to do with -- I've got to decide what to do  
11 with I and J. I think you can see a pattern on her on  
12 3J, so I'm going to let 3J in and 3I out.

13 Ms. Campbell, I'm going to note your objections  
14 to any of these pictures coming in, so that I do  
15 preserve them on record. I think we probably have to  
16 note the objections when they do come in. You know  
17 that as well as I do.

18 MS. CAMPBELL: Yes, sir.

19 MS. SWANSON: Thank you, Your Honor.

20 Madame Court Reporter, I will just pull out those  
21 that are not coming in and so you will have two that  
22 are -- two numbers that will not be entered and those  
23 are 3I and 3K. So, if you'd just note that those  
24 aren't coming in.

25 THE COURT: Was there any other thing we needed



1 to take up before we bring the Jury in?

2 MS. CAMPBELL: Not from the Defense's end.

3 THE COURT: Anything from the State? Anything  
4 else?

5 MS. SWANSON: I'm sorry. No, nothing else.

6 THE COURT: Do you all need a break before I get  
7 the Jury in?

8 MS. SWANSON: Maybe just two minutes?

9 THE COURT: Okay. We might as well and then  
10 we'll get the Jury on in.

11 RECESS

12 THE CLERK: The Jury is entering the courtroom,  
13 Your Honor.

14 THE COURT: Thank you, ma'am.

15 (Whereupon, the following proceedings were  
16 held in open court. The defendant was  
17 present with his attorney, along with  
18 counsel for the State.)

19 THE BAILIFF: The jury is coming in, Your Honor.

20 (Jury enters courtroom.)

21 THE COURT: Good morning, Ladies and Gentlemen.  
22 I hope you all had a good evening. We're getting  
23 ready to begin this trial and before we can get  
24 started, we've got to swear you all in as a Jurors.  
25 Madame Clerk, if you don't mind swearing them in.

1 (Whereupon, the Jury was duly sworn and impaneled.)

2 THE COURT: Ladies and Gentlemen, we're getting  
3 ready to try the case of the State of South Carolina  
4 versus Mr. Dale King and you were introduced to him  
5 yesterday.

6 This trial, like all trials, may be different  
7 from what you might expect. Many people do not have  
8 the chance to attend actual court sessions and take  
9 part in a trial as you are now doing and they think  
10 from watching television or movies or reading books,  
11 that trials are always full of high drama, intense  
12 action and riveting circumstances.

13 While all of these things may be true at times,  
14 this trial is not for entertainment. It is a  
15 fundamental part of our democracy. A search for the  
16 truth in an effort to make sure that justice is done  
17 between the parties before this Court. Searching for  
18 the truth and making sure justice is done is often  
19 slow, deliberate and repetitive. It's the opposite of  
20 what you may have seen on television or in movies or  
21 read in books. This courtroom is a place of honor,  
22 dedicated to the protection and preservation of  
23 citizen's rights through what many have called the  
24 greatest justice system ever created.

25 The attorneys appearing before you are advocates

1 for the parties they represent, but first and  
2 foremost, they are officers of this Court, sworn to  
3 uphold the integrity and fairness of our judicial  
4 system and to help you in the search for the truth.  
5 You will find them to be professional, competent and  
6 ethical in their representation of their client's  
7 interest. Remember, you have taken an oath to try  
8 this case and reach a true verdict and you are also  
9 expected to be professional, reasonable and ethical.

10 Thank you for accepting this important  
11 responsibility of jury service and for your  
12 contribution to our justice system this week. These  
13 instructions are intended as an introduction to the  
14 trial. These remarks are not a charge on the law. I  
15 will instruct you on the applicable law at the end of  
16 the trial, before you retire to consider your verdict.  
17 This is merely an explanation of the procedure that we  
18 will follow during the trial to help you better  
19 understand what's happening.

20 The Defendant is charged with an indictment filed  
21 in this Court for the crime of murder, the elements of  
22 which will be explained to you later. The indictment  
23 is simply the charge by which this case is brought  
24 into Court. It is not in any sense, evidence of the  
25 allegations it contains.

1           The Defendant has pled not guilty to this  
2 indictment. Therefore, the State has the burden of  
3 proving each of the elements of the indictment beyond  
4 a reasonable doubt. It is your duty, Ladies and  
5 Gentlemen, to decide whether the State has met its  
6 burden. Your duty, your purpose as Jurors, is to find  
7 and determine the facts.

8           You are the sole judge of the facts. If at any  
9 time I make a comment regarding the facts, you must  
10 disregard it. You are to determine the facts from the  
11 testimony you hear and other evidence introduced in  
12 Court. It is up to you to determine the inferences  
13 which you feel may properly be drawn from this  
14 evidence. It is especially important that you perform  
15 your duty of determining the facts diligently and  
16 conscientiously because ordinarily there is no way to  
17 correct an erroneous determination of facts by a jury.

18           The same law that makes you the judges of the  
19 facts, makes me the judge of the law. The law that is  
20 given by this Court, is the only law you may consider.  
21 You must accept and follow it, even though you may  
22 disagree with it. I cannot tell you what the facts  
23 are and you cannot disagree with me about what the law  
24 is or should be.

25           Your job is to take the law as I give it to you

1 and apply it to the facts as you find them from the  
2 testimony of the witnesses and other evidence that is  
3 introduced. After doing so, you will render your  
4 verdict, a true verdict unto the solemn oath that you  
5 just took as Jurors.

6       Until I advise you to begin your deliberations,  
7 you must not discuss this case with anyone, including  
8 your fellow Jurors, friends, family members and  
9 particularly anyone involved in this case. You must  
10 decide the case based solely on the evidence presented  
11 here in this courtroom. This means that during the  
12 trial, you must not conduct any independent research  
13 about this case, the facts of the case, the evidence  
14 presented in this case or the people and organizations  
15 involved in any way in the case.

16       Please do not try and find out any information  
17 from any source outside this courtroom. In other  
18 words, you must not look at dictionaries or other  
19 reference materials, search the internet, websites or  
20 blogs or use any other electronic tools to get  
21 information about this case or to help you decide the  
22 case. You may not use computers, telephones, cell  
23 phones, smart phones, tablets, the internet or other  
24 tools of technology with communication capabilities at  
25 any time while you are in the courtroom or during your

1 deliberation, during your breaks for meals, or  
2 overnight.

3       If necessary, you may use these devices, however,  
4 you must not use these devices to communicate with  
5 anyone about the case until the case is over. This  
6 means you must not use phone calls, emails, text  
7 messages, instant messages, twitter or any blog, chat  
8 room or website, including Facebook, Google Plus,  
9 Myspace, LinkedIn, YouTube or any social media  
10 websites, to send or receive information about this  
11 case.

12       This includes information about the party or the  
13 witness, an attorney or a court officer, any  
14 information about the case, research on any topics  
15 related to the case, any topics you may think would be  
16 helpful in deciding the case or any testimony  
17 presented by any witness.

18       During the trial, do not read, listen to or watch  
19 any news reports about the case. This includes  
20 anything that may be in the newspaper or on the  
21 internet, radio or television. You must not consider  
22 anything you may have read or heard about this case  
23 outside the courtroom, whether before or during the  
24 trial. Information on television, radio, the internet  
25 or from other sources might be wrong or incomplete.

1           In our judicial system, it is important that you  
2 are not influenced by anything or anyone outside of  
3 the courtroom. If you become aware of another Juror's  
4 violation of these instructions, please inform me  
5 immediately.

6           After the case has been submitted to you, you  
7 must discuss it only in the jury room with your fellow  
8 Jurors. The attorneys and parties in this case have  
9 been advised that they are not to talk to you at all.  
10 So, if you see anyone involved in the case and they do  
11 not even say hello, they are not being unfriendly,  
12 they are just simply following my instructions.

13           It is important that you keep an open mind and  
14 not decide any issue in the case until all the  
15 evidence has been presented, the parties have made  
16 their closing arguments and I have instructed you on  
17 the law.

18           It is your solemn responsibility to determine the  
19 guilt or innocence of the Defendant and your verdict  
20 must be based solely on the evidence as it is  
21 presented to you in this courtroom during this trial  
22 and on the law as I instruct you, during and at the  
23 close of the case.

24           In just a moment, the Solicitor will make what is  
25 called an opening statement, in which the Solicitor

1 will explain to you the issues in the case or at least  
2 what the Solicitor believes are the issues in this  
3 case. The attorney for the Defendant may also make an  
4 opening statement, although she is not required to do  
5 so.

6 What the attorneys tell you during their opening  
7 statements is not evidence. It is only their  
8 contention as to what the issues are. The evidence in  
9 this case will be presented to you by the testimony of  
10 sworn witnesses from this witness stand right in front  
11 of me and in front of you and by exhibits that may be  
12 introduced into evidence.

13 From time to time during the trial, the attorneys  
14 may have a question of law to discuss with me or you  
15 may see them approach the bench or sometimes I,  
16 myself, might find it necessary to excuse you from the  
17 courtroom for a short while so that the attorneys and  
18 I can discuss a matter of law. You are excused  
19 because you are the judges of the facts in this case  
20 and sometimes when I am discussing matters of law with  
21 the attorneys, it may be necessary for me to make some  
22 comment on the facts in connection with ruling on  
23 whether or not a particular law applies.

24 In these instances, I will excuse you from the  
25 courtroom while these discussions take place, so that



1 you will not be influenced in any way by anything that  
2 I might say or do in connection with the facts.

3 In determining what the true facts are in this  
4 case, you must decide whether or not the testimony of  
5 a witness is believable. It is my responsibility to  
6 rule as a matter of law as to whether certain  
7 testimony is admissible or not, but once the testimony  
8 is admitted, whether or not you believe it, is solely  
9 for each one of you to determine. In deciding whether  
10 to believe a witness, you have the right to consider  
11 the interest of any witness, the bias of any witness,  
12 the prejudice of any witness, the opportunity for the  
13 witness to have seen the matters and things about  
14 which the witness may testify and the way the witness  
15 acts on the witness stand.

16 You have a right to consider anything that is in  
17 the record that will help you evaluate the testimony  
18 of the witness. This means that you must pay close  
19 attention to these witnesses, to observe them, to  
20 listen to them and pay close attention also to the  
21 attorneys in the court.

22 Please do not let your thoughts wander, but give  
23 complete attention to the testimony in this case, so  
24 that at the end of all the testimony, after the  
25 arguments of counsel and my charge on the law, you

1 will then be in a position to determine what the true  
2 facts are and to apply the law to these facts and thus  
3 render your verdict. All right.

4 Now, Ms. Swanson, are you ready?

5 MS. SWANSON. Thank you, Your Honor. Yes. May  
6 it please the Court.

7 \* \* \*

8 OPENING STATEMENT BY MS. SWANSON

9 MS. SWANSON: On the morning of May 16th, 2017,  
10 Dale King awakes at about 8 a.m. to find his wife of  
11 35 years dead and lying on the loveseat in their  
12 shared bedroom at the Atlantic Inn. They lived in  
13 Room 233, on the second floor. This is the Atlantic  
14 Inn on Boundary, which has since changed over to the  
15 Oasis Inn.

16 What does Dale do when he finds his wife lying on  
17 the couch in an unusual position, dead. Well, he  
18 doesn't call 911 from the phone in his room. He  
19 proceeds to get dressed, go down to the office to his  
20 new manager, who had taken over the inn a couple of  
21 months prior and tell him something may be wrong with  
22 his wife.

23 Medical personnel arrived. They somehow get  
24 dispatched to a report of a possible cardiac arrest  
25 and when they get there, Dale tells them, "Oh, well my

1 wife had a history of seizures." Jerome Bates, his  
2 brother-in-law also comes to the Atlantic Inn that  
3 morning and Dale tells him, "Well, she must have  
4 slipped in the shower." But the truth is that this  
5 man, Dale King, strangled his wife to death.

6 He was the only other person in the room and when  
7 that body went to MUSC for an autopsy to be conducted,  
8 the pathologist, the doctor who conducted that  
9 autopsy, concluded that strangulation was the cause of  
10 death.

11 Now, you're going to hear that theirs was a  
12 marriage full of ups and downs and alcohol abuse.  
13 You're going to hear from the first responders.  
14 You're going to hear from the investigators. You're  
15 going to hear that Dale King talked to the police  
16 twice. Okay? You're going to hear from that doctor  
17 who performed Veronica's autopsy and you're going to  
18 hear from some family members.

19 Most of the testimony or most of the evidence,  
20 actually, in this case will be testimony that you hear  
21 from the stand. This is not a CSI case with a lot of  
22 forensics, because it's not a whodunnit. It's a what  
23 happened behind closed doors at the Atlantic Inn.

24 Now, I'll present these witnesses to you because,  
25 as the Judge told you, the State is to find the proof

1 and as the prosecutor, I have to show you the evidence  
2 through testimony, through photos, through physical  
3 evidence, if there is any that I'm admitting and then  
4 you make your decision based on the facts that you  
5 believe to be true and the facts that come from the  
6 evidence that you hear in Court.

7 My burden is to prove to you that Dale King is  
8 guilty beyond a reasonable doubt and what that means  
9 is -- well, it's been described as the kind of doubt  
10 that would cause a reasonable person to hesitate to  
11 act or leave you firmly convinced of the Defendant's  
12 guilt. Now, if you believe that at the end of this  
13 case, all of the evidence in, Dale King strangled his  
14 wife to death, I will be asking you to return a  
15 verdict of guilty of murder as directed. Thank you.

16 MS. CAMPBELL: May it please the Court?

17 THE COURT: Yes, ma'am.

18 MS. CAMPBELL: Thank you.

19 \* \* \*

20 OPENING STATEMENT BY MS. CAMPBELL

21 MS. CAMPBELL: Good morning. I spoke to you when  
22 we met yesterday just to tell you a little bit about  
23 me and Mr. King and the things we will be talking  
24 about over the next couple of days. Dale and Veronica  
25 were, in the 80's, getting married and starting a

1 family and their jobs here in this county and then  
2 giving birth to five daughters and raising them  
3 together.

4 Yes, the State is going to give you some  
5 testimony through Veronica's sister, I believe, and I  
6 think the testimony will tell something along the  
7 lines of up and down, you know, with the marriage and  
8 at some point when I talk to you at the close of the  
9 case, we'll get more into marriage and certainly in 35  
10 years of marriage there are ups and downs.

11 They both worked at different points during their  
12 marriage. Toward the time around 2017, they were both  
13 working at the same place, which was the Atlantic Inn.  
14 They had moved there. They had a hotel room there  
15 that was their home.

16 She worked in housekeeping, he worked in  
17 maintenance and I'm pretty sure the State's going to  
18 bring Mr. Patel in here. He's the owner, manager of  
19 the Atlantic Inn and he will know a lot about Veronica  
20 and Dale and can tell you about them and their time  
21 when they lived there and how their relationship was.

22 So, I will say to you that just a little bit of  
23 what we're going to hear over the next few days. If I  
24 were able to, at this moment, have our lovely  
25 assistant here dim the lights. No, no. She's so good

1 to me. If she were to dim the lights and I could take  
2 a projector and I could project on each of the four  
3 walls in this courtroom one thing, that would be the  
4 word innocent.

5 It doesn't matter whether you or me or anyone out  
6 here is sitting at that table, the same rules apply.  
7 In this country, in this county, we are surrounded in  
8 this process, in this room -- think of doors as  
9 sealed. Okay? And every time you enter this room,  
10 the word innocent is on every wall.

11 Another way it's been described to help you  
12 understand the oath that you just took and His Honor's  
13 instructions to you, is that the presumption of  
14 innocence is not just some concept. It's the law.  
15 It's real. It's just not a concept. Visually  
16 speaking, to help you understand, if I were to take  
17 off my coat and if I were to put it around Dale and  
18 actually a large enough coat to cover him entirely,  
19 that is the robe, cloak, as some people call it, of  
20 innocence and we all have that, should we be accused  
21 by the government of committing a crime.

22 His Honor will tell you when he talks to you at  
23 the close of this case, a little bit more about that  
24 robe. But what I would say to you is, at no point,  
25 every day, every witness, going home at night, coming

1 back in the morning, is that cloak of innocence  
2 removed, not a thread is pulled by anyone in this  
3 Jury.

4 The only time that you can look at the robe of  
5 innocence and think about, "Well, maybe that piece of  
6 testimony pulls that thread. Maybe this piece of  
7 testimony pulls this thread." It's when you're  
8 actually deliberating and contemplating any lingering  
9 thought that, well, you know, as you're driving home,  
10 "Well, maybe he did it, maybe he didn't."

11 That can't happen because you are individuals,  
12 individual minds are going to get together when all is  
13 said and done and you're going to sit in your rooms  
14 and you're going to talk and you're going to discuss  
15 and at that point, at that point, even at that point,  
16 the robe and cloak of innocence is still intact. When  
17 it comes time to make a decision, you will look at  
18 what's left. Is there something left of the cloak and  
19 if there is something left, that's reasonable doubt.  
20 That's not guilty.

21 So, the State would have to have the kind of  
22 evidence that would allow you to come back into this  
23 room, blast out all four walls of innocence and say  
24 firmly, "Absolutely guilty." And I will say to you  
25 when we talk again, that if you free your mind, if you

1 allow yourself to fully embrace what is the law and  
2 what every citizen -- well, what we all hold dear, the  
3 presumption of innocence for every man and every  
4 woman, we will thank you and we will appreciate your  
5 service and I will look forward to talking to you  
6 again when we come back to discuss what actually is --  
7 what actually is the evidence in this case.

8 Thank you so much for your attention.

9 THE COURT: Is the State prepared to call its  
10 first witness?

11 MS. SWANSON: Yes, sir. The State calls --

12 MS. CAMPBELL: I have a motion. I have a motion  
13 before we do that or whenever you would like to take a  
14 break. I need to put something on the record.

15 THE COURT: Go ahead and call your first witness.

16 MS. SWANSON: The State calls Matt Bowsher.

17 MATT BOWSHER,

18 called as a witness by and on behalf of

19 the State to testify, being first duly

20 sworn was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MS. SWANSON:

23 Q Thank you. Thank you for being here this  
24 morning. Where do you work, Matt?

25 A I work at the City of Beaufort Fire Department.



1 Q What is your title there?

2 A My title is Battalion Chief.

3 Q How long have you been a fireman?

4 A Since 2009 and I've been with the City since  
5 2010.

6 Q Does that time include EMS or was that prior?

7 A I worked volunteer EMS and fire when I first  
8 started and since I've worked at the City of Beaufort,  
9 I've worked both EMS and Fire part-time, in other  
10 jurisdictions.

11 Q What sort of call were you called out to the  
12 morning of May 16th of 2017?

13 A We were called out to a possible cardiac arrest  
14 at the given location, Atlantic Inn.

15 Q What time did that call come out?

16 A The call came out at 8:10, approximately.

17 Q Where is the Atlantic Inn located?

18 A The Atlantic Inn is on Boundary Street, just past  
19 Kmart shopping center.

20 Q Is that within the City of Beaufort?

21 A Yes, ma'am.

22 Q What room did you respond to?

23 A We did not have a location on the room. Once we  
24 arrived on the scene we were pointed to upstairs.

25 Q So, it was a room on the second floor?

1 A It was a room on the second floor, approximately  
2 two or three doors down from the stairwell area.

3 Q Did you arrive prior to EMS and police?

4 A Yes, ma'am. I was the first arriving responder.

5 Q Can you describe to the Jury what you found when  
6 you got there?

7 A Once I arrived on the scene, I made entry into  
8 the room and found the patient, at the time, on the  
9 right-hand side, laying on the sofa.

10 Q What did you notice about the patient?

11 A The patient was unresponsive, laying on the sofa,  
12 stiff and cold to the touch. The patient also had  
13 signs of blood and a cut to the lip and also blood  
14 coming from the nose.

15 Q Did you notice any bruising?

16 A I did not notice any bruising. I did notice some  
17 discoloration around the neck area on the patient.

18 Q I'm going to approach and show you a couple of  
19 pictures.

20 MS. CAMPBELL: The subject to the Defendant's  
21 prior objections, Your Honor, I understand the State  
22 intends to show a couple of the photographs to the  
23 jury.

24 THE COURT: I preserve your objection for the  
25 record.

1 MS. CAMPBELL: Thank you, Judge.

2 THE COURT: Thank you, ma'am.

3 BY MS. SWANSON:

4 Q I am going to first show you what has been marked  
5 as State's Exhibit 3A. Do you recognize what's  
6 contained in this picture?

7 A Yes, ma'am.

8 Q Is that the room that you responded to in May of  
9 2017?

10 A Yes, ma'am.

11 Q Is that how it appeared when you responded to it?

12 A Yes, ma'am.

13 MS. SWANSON: The State would offer 3A into  
14 evidence at this time.

15 THE COURT: Any objection to 3A?

16 MS. CAMPBELL: Not to 3A.

17 THE COURT: 3A is entered into evidence without  
18 objection.

19 (Court Reporter marks State's Exhibit 3A, Photograph,  
20 attached hereto.)

21 MS. SWANSON: I would request to publish.

22 THE COURT: You may.

23 BY MS. SWANSON:

24 Q Tell us what we're looking at here.

25 A This is the room that I first responded to and

1 that's where law enforcement responded to on that  
2 given day. It was a hotel room. As you see, that's  
3 what we witnessed when we got in there.

4 Q Is this the front door right here?

5 A That is the front door.

6 Q You said which -- where was the victim located?

7 A The victim was located on the right side on the  
8 bottom on that sofa. Yes, ma'am.

9 Q On this sofa. Okay. I'm going to show you two  
10 more pictures. The first one is labeled as 3D, the  
11 second is labeled as 3E and I'm going to ask if you  
12 recognize what is depicted in these two photos?

13 A Yes, ma'am. I do.

14 Q Is that the patient that you responded to and  
15 attempted to treat?

16 A Yes, ma'am.

17 Q Is that how she appeared when you responded to  
18 that hotel room?

19 A That is how I witnessed her when I responded and  
20 arrived on the scene.

21 MS. SWANSON: The State would move 3D and 3E into  
22 evidence and request to publish.

23 THE COURT: 3D and 3E are in evidence over the  
24 Defendant's objection.

25 MS. SWANSON: I'm going to go ahead and publish

1 3D.

2 BY MS. SWANSON:

3 Q Is there anything that you can tell us about how  
4 the body appeared that day, that you haven't mentioned  
5 already?

6 A Yes, ma'am. Once I made patient contact, the  
7 patient was cold, very stiff. As you can see on the  
8 right arm, it's stiff, which leads that she had been  
9 there for a few hours with no circulation.

10 Q 3E, you had testified about some blood on her lip  
11 and nose. Is that what we're looking at in 3E?

12 A Yes, ma'am. There was blood on the corner of the  
13 mouth and then there was blood on the nose.

14 Q Thank you. At some point, did you speak with  
15 Dale King?

16 A Yes, ma'am.

17 Q Do you see Dale King in the room today?

18 A Yes, ma'am.

19 Q Can you point him out for me, please?

20 A It's the gentleman over there.

21 Q Thank you. What did Dale King say when you were  
22 in the room?

23 A He stated that she was a history of seizures.

24 The last time that he saw her was approximately 11:00  
25 p.m. the night before, that they had been downstairs

1 drinking with some other people.

2 Q What was his demeanor like when he was telling  
3 you this?

4 A He was very calm, nonchalant basically.

5 MS. CAMPBELL: Objection to the description of  
6 Mr. King as nonchalant.

7 THE COURT: Yeah. I'm going to sustain that  
8 objection and Ladies and Gentlemen, you should  
9 disregard that comment. Go ahead.

10 BY MS. SWANSON:

11 Q Was he tearful at all?

12 A He was not tearful. He was very calm in  
13 answering our questions and giving us information  
14 about the victim.

15 Q Did you ask him about any medications that she  
16 may have been on?

17 A We did not, and I did not.

18 Q Did you find any seizure medication?

19 A I did not find any medication.

20 Q Through your experience --

21 MS. CAMPBELL: Objection. She's getting ready to  
22 ask him to give an opinion. He's not qualified as an  
23 expert.

24 MS. SWANSON: I'm not asking for an opinion. I'm  
25 asking based on his observations.

1 THE COURT: As long as its on observation, we're  
2 okay.

3 BY MS. SWANSON:

4 Q About how many seizure scenes have you responded  
5 to?

6 A In my career as an EMT and in the fire service,  
7 at least 300.

8 Q Okay. What do you usually find when you respond  
9 to a seizure scene?

10 A Any seizure, you usually have a patient that's  
11 unresponsive, usually disoriented due to the seizure  
12 and usually you have, the person has urinated  
13 themselves due to a loss of bowel control when  
14 seizures occur.

15 Q Anything else you recall before you left that  
16 room or before you wrapped everything up and left the  
17 scene?

18 A No, ma'am.

19 Q Thank you. Please answer any questions that Ms.  
20 Campbell may have for you.

21 THE COURT: Ms. Campbell, any questions of this  
22 witness?

23 MS. CAMPBELL: Just briefly, Your Honor.

24 \*\*\*

25 CROSS-EXAMINATION

1 BY MS. CAMPBELL:

2 Q Is it Lieutenant? Help me again?

3 A I was a Lieutenant at the time. I'm now a  
4 Battalion Chief.

5 Q Okay. Chief, so you talked to the Prosecutor  
6 about that question on how many seizure scenes you  
7 have been to, did you not?

8 A Yes, ma'am.

9 Q Because that's not included in your original  
10 report. That's hand-written, correct? On your notes,  
11 right?

12 A I wrote it down.

13 Q Okay. Because you talked to the Prosecutor about  
14 that testimony, right?

15 A I was asked how many seizure calls I had been on.

16 Q So, the answer is yes, you did. You talked to  
17 her about it?

18 A Yes.

19 Q Okay. So, getting your testimony out here today,  
20 she wants you -- she asked you the question about what  
21 do you normally find. Right?

22 A Correct.

23 Q In the 300 plus seizure calls that you've been  
24 to, or in your training, seizures can result in death,  
25 correct?



1 A They could. Yes, ma'am.

2 Q Thank you. That's all I have.

3 THE COURT: Anything on redirect?

4 MS. SWANSON: No redirect, Judge. I would just  
5 ask that Chief Bowsher be allowed to be excused.

6 THE COURT: Any opposed? Okay. You are  
7 excused. Thank you, sir. Appreciate you coming  
8 down today.

9 (Witness exits witness stand).

10 THE COURT: Ms. Swanson.

11 MS. SWANSON: The State calls A.J. Drake.

12 ANJOHNENE DRAKE,

13 called as a witness by and on behalf of

14 the State to testify, being first duly

15 sworn was examined and testified as follows:

16 THE COURT: Ms. Drake, I need for you to speak  
17 up, if you don't mind.

18 DIRECT EXAMINATION

19 BY MS. SWANSON:

20 Q Thank you for being here, AJ. Who do you work  
21 for?

22 A I am a paramedic with Beaufort County EMS.

23 Q How long have you been with EMS?

24 A I began with Beaufort County in 2003.

25 Q Have you been a paramedic that whole time?

1 A I became a paramedic in 2006. I've been a  
2 paramedic for 13 years.

3 Q What does a paramedic allow you to do?

4 A As a paramedic I can perform basic life-saving  
5 skills as well as advanced skills, placing people on a  
6 cardiac monitor, starting IV's, giving medications.

7 Q Is there a paramedic on every EMS call?

8 A For Beaufort County, yes. There's a paramedic on  
9 every unit.

10 Q Were you the paramedic on call on May 16th, 2017  
11 for a morning call to the Atlantic Inn?

12 A I was, yes.

13 Q Tell us about what you observed when you got  
14 there.

15 A When we got on scene, we were shown to an  
16 upstairs room at the motel. We got there and we  
17 walked into the room, immediately to the right as soon  
18 as you enter the door, there was a couch and there was  
19 a female on the couch.

20 Q What time was your initial assessment of the  
21 patient.

22 A I believe that was a little -- refer to my notes.

23 Q Yes, ma'am.

24 A It says 8:17 was the initial assessment.

25 Q Okay. Who was the patient?

1 A The patient was Mrs. --

2 Q King?

3 A I'm sorry, King, yes.

4 Q Veronica?

5 A Yes.

6 Q Okay. Yes. What did you notice about Veronica's  
7 body?

8 A She was laying face up on the couch but her body  
9 position didn't fit -- her body position didn't fit  
10 how she should have on the couch. The way it was  
11 laying. It was an odd position.

12 Q I'm going to show you what has been entered as  
13 State's 3D. Is this how you recall her body?

14 A Yes. Yes.

15 Q That is the same position that you found her in?

16 A Yes.

17 Q The leads that we see here in this picture, were  
18 those leads that you placed on her?

19 A They are, yes.

20 Q What did you find?

21 A When we placed her on the cardiac monitor she was  
22 in the range of the flatline, which means there was no  
23 cardiac activity whatsoever.

24 Q Was her body stiff?

25 A It was, yes, and we attempted to -- when we

1 touched her body it was cold and we tried to move one  
2 of her extremities and it would not move out of the  
3 position it was in.

4 Q Did you notice anything -- were you there when  
5 she was being rolled over and placed into a body bag?

6 A I was not there for that, no.

7 Q Did you speak to Dale King?

8 A Yes. When I initially entered I began asking him  
9 questions about her for a medical history. He did  
10 state that she had a history of seizures but didn't  
11 take medication for it.

12 I asked him when he last spoke to her and he said  
13 about 11:00 the previous night. He said they had been  
14 drinking the night before.

15 Q Thank you. That's all I have for you at this  
16 time. Please answer any questions Ms. Campbell may  
17 have for you.

18 THE COURT: Ms. Campbell, any questions of this  
19 witness?

20 MS. CAMPBELL: Just a few, Your Honor.

21 CROSS-EXAMINATION

22 BY MS. CAMPBELL:

23 Q Good morning.

24 A Good morning.

25 Q Did you bring your report with you?

1 A I did, yes.

2 Q Wonderful. Ms. Swanson may have asked you, but I  
3 just want to be sure that the Jury has this  
4 information. You talked to Mr. King and he explained  
5 to you that he found his wife laying on the couch on  
6 her left side?

7 A When I asked had her body been moved, he said  
8 that he found her on her left side, and he rolled her  
9 over to see if she was breathing.

10 Q Right. So, he's telling you that when he found  
11 her, he moved her to check and see if she was  
12 breathing?

13 A Yes.

14 Q That's all I have.

15 THE COURT: Anything on re-direct?

16 MS. SWANSON: Nothing on re-direct and I would  
17 ask that Ms. Drake be allowed to be excused.

18 THE COURT: Any objection to that?

19 MS. CAMPBELL: No, Your Honor.

20 THE COURT: Ms. Drake, thank you. You may step  
21 down. I appreciate it.

22 (Witness exits witness stand.)

23 THE COURT: Is the State ready to all its next  
24 witness?

25 MS. SWANSON: Atul Patel.

1 ATUL PATEL,  
2 called as a witness by and on behalf of  
3 the State to testify, being first duly  
4 sworn was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. SWANSON:

7 Q Mr. Patel, what hotel do you own in town?

8 A I own the Oasis Inn, Beaufort.

9 Q Is the Oasis Inn, was it formerly the Atlantic  
10 Inn?

11 A Atlantic Inn.

12 Q When did you buy that property from Chet Patel?

13 A About March of --

14 Q Of 2017?

15 A Yes.

16 Q In May of 2017, you had owned the property for a  
17 couple of months?

18 A That's right.

19 Q Dale and Veronica King, were they working for  
20 you?

21 A Yes, ma'am. After they were staying at the hotel  
22 and we were preparing to close down, so that's why --  
23 we just give him accommodation, that he work.

24 Q You were preparing to close down in the near  
25 future for renovations?

1 A That's correct.

2 Q Then it changed over to the Oasis Inn?

3 A Yes.

4 Q Dale and Veronica, what floor were they living  
5 on?

6 A Second floor.

7 Q Do you recall the room number?

8 A 233.

9 Q Do you recall the morning that Veronica was found  
10 dead?

11 A Actually, no, other than Dale come to the office  
12 and, in the morning time, I believe I was there at  
13 that time, but he came in the office and he told me  
14 his wife is not responding, so I did not realize to  
15 what exactly he was talking about, so that's why I  
16 called Chet Patel and said, "Dale said his wife is not  
17 responding," so Chet just told me to go ahead and hang  
18 up the phone and call 911. So, I just called 911.

19 Q Okay. Did you go up to the room at all?

20 A No, ma'am.

21 Q So, you called Chet and then you called 911 right  
22 after that?

23 A That's correct.

24 Q But Dale didn't call 911, did he?

25 A No, ma'am.

1 Q I have no further questions. Please answer any  
2 questions Ms. Campbell might have.

3 MS. CAMPBELL: Just one second, please, Your  
4 Honor?

5 THE COURT: Yes, ma'am.

6 \*\*\*

7 CROSS-EXAMINATION

8 BY MS. CAMPBELL:

9 Q Good morning.

10 A Good morning.

11 Q If you remember, about how long had Dale and  
12 Veronica been working for you there? Do you remember?

13 A I think it was about just a couple of months.

14 Q A couple of months?

15 A Yes, ma'am.

16 Q Did you know Dale and Veronica before they came  
17 to work there?

18 A Before, no.

19 Q No. Okay. Just those couple of months?

20 A That's right.

21 Q Did you also live there, in one of the rooms?

22 A No, no.

23 Q So, you just came in during a shift for the day?

24 A Right. I did the night shift management.

25 Q Dale would help with the maintenance? Is that



1 right?

2 A Housekeeping, cleaning and stuff.

3 Q Veronica was helping with the housekeeping?

4 A Helping him.

5 Q They were working together?

6 A Together, correct.

7 Q That's all I have. Thank you.

8 THE COURT: Anything on re-direct?

9 MS. SWANSON: No, sir. I would ask that Mr.  
10 Patel be allowed to be excused.

11 THE COURT: Thank you, sir. You may step down  
12 and you may be excused from your subpoena. Thank you,  
13 sir.

14 (Witness exits witness stand.)

15 THE COURT: Is the State ready to call its next  
16 witness?

17 MS. SWANSON: Yes, sir. Chet Patel.

18 \*\*\*

19 CHET PATEL,

20 called as a witness by and on behalf of

21 the State to testify, being first duly

22 sworn was examined and testified as follows:

23 \*\*\*

24 DIRECT EXAMINATION

25 BY MS. SWANSON:

1 Q Chet, when did you own the Atlantic Inn?

2 A I owned the Atlantic Inn from 2007 to 2017. 2003  
3 to 17.

4 Q Gotcha. 2003 to 2017. When you sold it, you  
5 sold it to who?

6 A Atul Patel.

7 Q At some point, did you open a liquor store next  
8 to it?

9 A Yes, I did.

10 Q What were the years that was open?

11 A 2010 to 15. 15, 16, thereabouts.

12 Q Did you employ Dale and Veronica King?

13 A Yes.

14 Q For about how long?

15 A Probably, close to seven years.

16 Q Did they live at the hotel?

17 A Yes, they did.

18 Q Do you recall what room they lived in?

19 A 233.

20 Q Did they live in 233 the whole time?

21 A Not the whole time. They were in a room prior to  
22 that, that was only for a while.

23 Q Most of the time, they --

24 A Most of the time, yes.

25 Q Okay. Do you recognize Dale King in the

1 courtroom today?

2 A Yes, I do.

3 Q Can you point him out for me?

4 A Sitting right there next to the attorney.

5 Q Thank you. Tell us about what you remember from  
6 May 16th of 2017. Do you recall getting a phone call  
7 from Mr. Patel?

8 A Yes. So, in the morning Atul called me and said  
9 Veronica wasn't responding so I told him to hang up  
10 and call 911.

11 Q And then what did you do?

12 A I headed over to the hotel.

13 Q About what time was this? Do you remember?

14 A It would have been 8:30, 9:00.

15 Q So, first thing in the morning?

16 A First thing in the morning over at the hotel, so  
17 yes.

18 Q When you got there, who all was at the Atlantic  
19 Inn?

20 A Atul was there, Dale was there. I believe EMS  
21 had just arrived on the scene. Robert Frazier was  
22 there. My dad was there.

23 Q Did you talk to Dale?

24 A Yes, I did.

25 Q Do you recall what his demeanor looked like?

1 A He acted pretty calm, ordinary.

2 Q Calm? What did you guys talk about?

3 A I asked about what happened and he said, "I don't  
4 know." I was like, "Did you have any part in this?,"  
5 he was like, "No." I didn't -- I was like, "Okay."

6 Q Did he offer any explanation as to how she could  
7 have died?

8 A Not at the time he didn't.

9 Q Did you offer to pay for the funeral?

10 A I offered to feed the family once they started  
11 arriving.

12 Q Do you recall the family arriving?

13 A Yes.

14 Q What was their demeanor like?

15 A I think everybody was in shock.

16 Q You mentioned that you had opened a liquor store  
17 next to the Atlantic Inn. Were Dale and Veronica  
18 customers at that liquor store?

19 A Yes, they were.

20 Q Were they frequent customers?

21 A Yes, they were.

22 Q What would they usually buy?

23 A Vodka and Milwaukee's Best.

24 Q How often?

25 A Daily.

1 Q That's all I have for you at this time. Please  
2 answer any questions that Ms. Campbell might have for  
3 you.

4 THE COURT: Ms. Campbell, any questions of this  
5 witness?

6 MS. CAMPBELL: Just briefly.

7 \*\*\*

8 CROSS-EXAMINATION

9 BY MS. CAMPBELL:

10 Q Good morning.

11 A Good morning.

12 Q You knew Veronica and Dale, at that point in  
13 2017, about seven years. Is that your testimony?

14 A Correct.

15 Q The Solicitor asked you about running a liquor  
16 store and Dale and Veronica coming to purchase items  
17 there. Right?

18 A Correct.

19 Q She asked you what they purchased. Did I hear  
20 you say Vodka and --

21 A Milwaukee's Best.

22 Q Okay. The purchase of those items, were you  
23 aware that Dale and Veronica were consuming those  
24 items together?

25 A That would be the reason someone purchases.

1 Q Do you know enough about them to know that they  
2 were drinking together?

3 A Yeah, they were drinking together.

4 Q Thank you. Now, the helping out at the inn,  
5 working for you, doing the housekeeping, doing the  
6 maintenance.

7 Would it be fair for you to say that they both  
8 worked responsibly and did their jobs for those seven  
9 years?

10 A I think --

11 Q I'm sorry. What?

12 A They did.

13 Q They did. Okay. Thank you. That's all I have.

14 THE COURT: Anything on re-direct?

15 MS. SWANSON: No, sir.

16 THE COURT: You may step down and he's also  
17 excused from his subpoena.

18 MS. SWANSON: Thank you.

19 (Witness exits witness stand.)

20 THE COURT: Is the State ready to call its next  
21 witness?

22 MS. SWANSON: Yes, sir. The State calls Jerome  
23 Bates.

24 \*\*\*

25 JEROME BATES

1           called as a witness by and on behalf of  
2           the State to testify, being first duly  
3           sworn was examined and testified as follows:

4                           \*\*\*

5                           DIRECT EXAMINATION

6 BY MS. SWANSON:

7 Q     Mr. Bates, you go by Jerome. Is that right?

8 A     Either one.

9 Q     Okay. Jerome or Ranville?

10 A    Either one.

11 Q    How were you related to Veronica King?

12 A    Veronica was my sister-in-law. I'm married to  
13 her sister, Bessie.

14 Q    When did you meet Dale King?

15 A    I met Dale, it was roughly like latter 80's. 86,  
16 87.

17 Q    Were they married at that time? Or close to that  
18 time?

19 A    They were close to being married, yes.

20 Q    Is it safe to say that you've known Dale ever  
21 since he and Veronica were married?

22 A    Yes.

23 Q    Do you see Dale King in the courtroom today?

24 A    Yes, I do.

25 Q    Can you point him out for me, please?

1 A Right there (indicating).

2 Q Okay. When Dale and Veronica first got married,  
3 where did they live?

4 A Dale and Veronica lived with us for about seven  
5 to nine months.

6 Q Where was that?

7 A At my house, down on St. Helena Island.

8 Q Did you guys have family around you?

9 A Yes.

10 Q At some point, did they move out?

11 A Yes.

12 Q Were you still in contact with them when they  
13 were living at the Atlantic Inn?

14 A Off and on, yes.

15 Q Did you ever know Veronica to have seizures?

16 A No.

17 Q On May 16th of 2017, did you go to the Atlantic  
18 Inn?

19 A Yes, I did.

20 Q Tell us what you found once you got to the  
21 Atlantic Inn.

22 A When I got to the Atlantic Inn, Mr. King was  
23 sitting in a chair and there were about eight, maybe  
24 about nine other people there. My wife was there, my  
25 nephew was there and some more people. I had seen



1 some of them but don't really know them. But he was  
2 sitting in a chair and he was, he was crying and he  
3 was highly intoxicated.

4 Q Do you remember about what time this was?

5 A I think I got there roughly 10ish, 10:30,  
6 someplace in that area. It was around -- someplace in  
7 that area.

8 Q Do you remember an ambulance or anything still  
9 being there, or fire trucks?

10 A I remember, I think some investigators, or  
11 somebody was there.

12 Q Law enforcement?

13 A Law enforcement was there, right.

14 Q Had the body gone at this point? It's okay if  
15 you don't remember.

16 A I don't remember that because I was mostly  
17 focusing with Mr. King, but I knew some of law  
18 enforcement were there.

19 Q You said that you were focused on Dale?

20 A Right.

21 Q Did you have a conversation with Dale?

22 A Yes, I did.

23 Q What did you guys talk about?

24 A When I got there, I walked over to Dale and I  
25 gave him a hug and I said, you know, everything was

1 going to be okay. He was telling me that, you know,  
2 "I don't know what happened to Ronny. Ronny was gone.  
3 Ronny left me.," and I was trying to console him. I  
4 was trying to console him.

5 Q Okay. At some point, did he go with the police  
6 and then come back? Do you recall?

7 A I think that might have happened before I got  
8 there, because I was with him just about that whole  
9 day.

10 Q All right. Do you recall anything else that he  
11 said to you that day?

12 A Yes.

13 Q What was that?

14 A Okay. After people started leaving, we sat in  
15 the chair, we were still outside down below by the  
16 office and we sat in the chairs and we talked and I  
17 was trying to get him, I said, "Dale, why don't you go  
18 up to the room and get a shower?," because at the  
19 time, I'll just be honest with you, he was highly  
20 intoxicated, his hygiene wasn't good at the time, and  
21 he said, "Man, I ain't worried about that. Man, I  
22 haven't had me a shower in about two or three days. I  
23 ain't got time to get a -- I'm not thinking about none  
24 of that right now."

25 He said, "My Ronny is gone." And after we sat

1 there for a while, I finally talked him into going to  
2 his room. He said, "Come on, let's go upstairs." I  
3 said, "Okay."

4 So, when we got upstairs, he opened the door and  
5 when he opened the door, he stood in the door and he  
6 just looked around and he said, "I have to -- I have  
7 to face this the rest of my life." I didn't say  
8 anything.

9 As he walked in, he went straight to the bathroom  
10 and when he went to the bathroom, I just stepped in  
11 the door. I just stepped in, I didn't go in the  
12 place, I stayed right there and he said, "Man, she --  
13 just when Ronny was taking a shower when she must have  
14 fell and hit her head," and he said, "Come on back. I  
15 want to show you the area." I said, "No."

16 I said, "I'll stay right here. I'm good. I'll  
17 stay right here." He sat down and we started talking  
18 and when I went in, when you walk into the door, the  
19 couch was right here, right by the window and there  
20 was the bed, there was a television over here on a  
21 little stand, like --

22 Q I'm going to actually show you, if I can  
23 interrupt you real quick. I'm going to show you  
24 State's 3A, which has been entered. Is this the room  
25 that you're describing?

1 A That's it. Yes.

2 Q If I may publish this and you can keep talking  
3 and I'll point out the areas that you're talking  
4 about. Okay? Now, let me ask you this. Is this  
5 where the bathroom is, to the back?

6 A Yes.

7 Q Is this the couch to the right that you were  
8 referring to?

9 A Yes.

10 Q Where were you all sitting when you were talking?

11 A He was sitting -- the couch that you just pointed  
12 to just now, the one to the bottom, he was sitting  
13 halfway on that couch and if you go past that couch --  
14 no, go back, the same couch, there's a little -- it  
15 was a little brown, like a little brown leather --

16 Q A little stool or something?

17 A Something like -- that's where I sat at and he  
18 sat halfway on the couch.

19 Q Okay. Continue with your story.

20 A Okay. I asked Dale, I said, "Dale," I said, "Did  
21 you -- what happened?," and he said, "I don't know,"  
22 he said, "I went to sleep around 10:30, 11 and I did  
23 not wake up until about 8:00 the next morning.

24 When I got up, I noticed Ronny wasn't in the bed  
25 and I found her on the couch and was stiff." So, as

1 we were talking, the whole time, you know, he was just  
2 kind of, I mean, just missing her, "Man, I miss  
3 Ronny," man, he was just -- he was just moving around  
4 and then all of a sudden -- I know I have to talk loud  
5 in this, but all of a sudden, he just dropped his head  
6 like this and the drunk, slurriness (sic) that I heard  
7 all morning, this particular time, with this voice, I  
8 actually heard Dale.

9       It's like I wasn't listening to a drunk man, it  
10 was like -- it was like I'm listening to a man who is  
11 questioning himself, "What did I just do?."

12 Q     And that's what he said?

13 A     I'm not -- I'm speaking loud but when I pulled my  
14 head down, I'm not making eye contact with you right  
15 this minute. I'm going to do exactly, to the best of  
16 my knowledge, what he did. He dropped his head and he  
17 said, "What was I thinking? What was I thinking?  
18 What did I just do?

19       I don't know what I was thinking of -- we were up  
20 until 2, 3:00 in the morning drinking Vodka and some  
21 beer, knowing that I've got to get up at 8:00 in the  
22 morning. Oh, what was I thinking? What did I just  
23 do?" This was -- the way I see it, I saw a man who  
24 just realized it --

25 Q     Without offering your opinion about what he was

1 saying, just let's stick to what the actual words  
2 were. Okay?

3 A Okay. I mean, those were the words.

4 THE COURT: Yes. You don't need to tell us what  
5 you think or your interpretation of it. All right.

6 A Okay, okay. So, those were his words and I --  
7 when he made that statement, that sent up a red flag  
8 to me because, "You had just told me that you went to  
9 sleep about 11 and you didn't wake up until 8 the next  
10 morning."

11 MS. CAMPBELL: Objection to he's conforming an  
12 analysis of the event. If he could just stick to what  
13 he said he observed.

14 THE COURT: Just what he said and what you saw.  
15 Okay? You don't need to interpret it. Okay?

16 A Okay. I'm lost -- Okay. I'm just trying to --

17 Q It's okay. No, I understand. After you all had  
18 this conversation at the Atlantic Inn hotel room, do  
19 you then convince him to come back with you and your  
20 wife to St. Helena?

21 A Correct.

22 Q Does he tell you anything when he is at the house  
23 in St. Helena?

24 A Yes. He said, he made the statement, "I just  
25 wish Ronny didn't make her head so hard," because she

1 wanted to take a shower and can I say exactly the  
2 words that he used?

3 Q Yes, you may.

4 A "She wanted to take a shower and I just told her  
5 to get her ass in bed and we'd wash up in the morning  
6 when we get up. I don't know why she just made her  
7 head so hard. She just wouldn't listen to me."

8 Q At some point, did he leave your house on St.  
9 Helena?

10 A Yes.

11 Q Do you remember when that was?

12 A Yes.

13 Q Okay.

14 A When he got to my house, we offered him, we told  
15 him you can stay in the bedroom. We have a spare  
16 bedroom. I gave him a towel, washcloth and bar of  
17 soap. I gave him some personal hygiene stuff and I  
18 said, "Hey, you can go ahead and get cleaned up and  
19 you can stay here for the night." He said, "No."

20 He didn't want to take a shower, he just wanted  
21 to get back to his room. So, I was sitting on one  
22 couch and he was sitting on another couch and I was  
23 watching ESPN and I dozed off. When I did wake up,  
24 Mr. King was gone.

25 Q Was that the last time that you saw him before he

1 was arrested?

2 A That was it.

3 Q Did you see him after he was arrested?

4 A Yes, I went to visit, came to visit him in jail.

5 Q Did you have conversations at the jail with him?

6 A Yes, I did.

7 Q What did he tell you when he was at the jail?

8 A At the jail, I said, "Dale," I said, "You are  
9 sober now. Be straight up with me. What happened?  
10 Just be straight up with me."

11 He told me that he put Veronica in the shower, he  
12 washed her up, he said something about putting up the  
13 curtain or something like that and as he was taking  
14 her out of the shower, she felt like dead weight. She  
15 slipped and she felt like dead weight, so he grabbed  
16 her, and he just threw her on the bed.

17 Q Okay. Was that the only conversation that you  
18 had with him about what happened that night at the  
19 detention center?

20 A No. There's another time I went to visit him  
21 again and he told me that when he took her out of the  
22 shower, as heavy as she was, he grabbed her by the  
23 neck, like from the back and she accidentally, somehow  
24 fell and hit her mouth, busted her mouth.

25 Q Any other version of events that he told you at



1 the detention center?

2 A There was another one that when he told me that  
3 when he did throw her on the bed, somehow she slipped,  
4 she slid off the bed between the bed and the -- the  
5 bed and the couch.

6 Q Did she receive an injury from that, did he tell  
7 you? It's all right if you don't remember.

8 A I remember, I remember Dale telling me that he  
9 gave her a green towel or something to dab some blood  
10 or something, her mouth was busted.

11 Q Okay. After the last time that you saw him at  
12 the detention center, was that the last time that you  
13 communicated with him?

14 A I haven't seen him since.

15 Q Okay. Thank you, Mr. Bates. Please answer any  
16 questions that Ms. Campbell may have for you.

17 MS. CAMPBELL: No questions.

18 THE COURT: You may step down.

19 MS. SWANSON: Thank you and I believe he's going  
20 to stay here with his wife, but I would ask that be  
21 allowed to be released from his subpoena.

22 THE COURT: No objections to that? You are  
23 released from your subpoena. Thank you, sir.

24 (Witness exits witness stand.)

25 THE COURT: Do you want to take a break now?

1 MS. SWANSON: That would be great.

2 THE COURT: Ladies and Gentlemen, we're going to  
3 take a short break. I'll let you go back to the jury  
4 room. Remember, I think I talked to you yesterday and  
5 told you, you cannot talk about anything you've heard  
6 so far. You can't have any discussions about any of  
7 the testimony so far in this case.

8 Do you understand that? You all go back to the  
9 jury room. I'll get you back out here in just a  
10 minute.

11 THE COURT: Ms. Campbell, did you want to get  
12 something on the record about my opening and -- just  
13 go ahead. I'll let you say whatever you want to talk  
14 about.

15 MS. CAMPBELL: For the purposes of procedure,  
16 rather than interrupt, Your Honor, and being  
17 respectful of the Court, at the first possible  
18 opportunity that was appropriate, I informed the Court  
19 that I had an objection to the Court's opening  
20 remarks.

21 THE COURT: You did and I think I noted it on the  
22 record just so that I -- and just for the record, it  
23 was my intention that your objection was preserved  
24 just at that time, even though we did not get a time.

25 MS. CAMPBELL: Yes, sir. Thank you.

1 Defendant objects to the Court's remarks in  
2 instructing the Jury that the purpose of the trial was  
3 to search for the truth. In any other wording or  
4 genre of that is the responsibility of what we're here  
5 to do, is to find the truth, seeking the truth,  
6 searching for the truth. Your Honor, I'm sure it's  
7 outlined in the Court of Appeals 2015, Supreme Court  
8 2018, and then State v (inaudible), which is 343SC20  
9 in the year 2000.

10 We take the position that by the Court telling  
11 the Jury that that is the purpose of these  
12 proceedings, seeking the truth, that it's an  
13 unconstitutional shift of the burden of the proof to  
14 the Defendant and, Your Honor, I'll make the  
15 distinction then, which talks about the difference  
16 between the jury charge talking about speaking the  
17 truth, versus the Court's opening remarks, speaking  
18 the truth, in that anytime the Court is addressing the  
19 Jury it's serious. You are in the process of telling  
20 them the do's and don'ts of the trial, so for the  
21 record, we take the position that that's an  
22 instruction to the Jury at the beginning. We can --  
23 you know, passionate remarks, but really the Jury is  
24 listening and taking their lead from Your Honor.  
25 Don't do this. Do that. You can't do this. You

1 can't talk about this case.

2 We feel that it's an unconstitutional shift of  
3 the burden of proof based on the testimony and we  
4 can't unring the bell now. Now the Jury thinks they  
5 are looking for the truth and so the feeling or the  
6 presumption is it's a reasonable doubt and we ask for  
7 your ruling for a mistrial. Thank you, Judge.

8 THE COURT: Okay. All right. Ms. Swanson,  
9 anything you want to add?

10 MS. SWANSON: Just briefly, Your Honor. I do not  
11 believe that that rises to a level of a mistrial. I  
12 do believe that you could - from the instructions and  
13 you did cover presumption of innocence and reasonable  
14 doubt thoroughly. The State's position is a mistrial  
15 should not be permitted.

16 THE COURT: All right. Ms. Campbell, we've  
17 gotten started in this. I'm always impressed when the  
18 Jury listens to anything that I say. I know that the  
19 closing, I always wonder if while I'm doing the  
20 closing, that they are going to stay awake for that  
21 since I'm reading them the law.

22 I think it's just a cautionary thing to tell them  
23 that I want them to get to the bottom of this. But  
24 that is the charge that we were given when I first got  
25 on the bench and I've made my cases to it as I've gone

1 along and when you mentioned that you had something to  
2 take up, I figured that that's where we were going  
3 with this.

4 I'm not going to grant you a mistrial. I think  
5 my closing charge on the law should take care of that.  
6 I'm going to note your objection. I'm not going to  
7 grant a mistrial and we'll go forward with it. You've  
8 got a pretty good Jury. I don't know that it will get  
9 better next time, if there was a next time. Okay?

10 MS. CAMPBELL: Thank you, Judge.

11 MS. SWANSON: Your Honor, also, if I recall, I do  
12 believe that you prefaced those comments with, "this  
13 is not a charge on the law."

14 THE COURT: I said that, but I've read the --  
15 opinion right here and so, it does seem odd that you  
16 don't want to tell the Jury not to search for the  
17 truth and things like that. But I do realize that  
18 that's what I was told to do, and I will make some  
19 changes with my instructions, but I'm not going to, at  
20 this stage in the game, do a mistrial. Okay?

21 MS. CAMPBELL: Thank you, Judge.

22 THE COURT: Thank you, ma'am. And your objection  
23 is preserved. Okay. Let's take a short break and  
24 we'll be back.

25 (Whereupon, a recess was held.)

1 MS. CAMPBELL: If it please the Court, Your  
2 Honor, based upon the testimony of Mr. Bates, the  
3 Defendant would raise his objection to the  
4 admissibility of the Defendant's statement, in  
5 particular, the statement given to law enforcement the  
6 morning of Veronica King's death.

7 Mr. Bates' testimony, sworn testimony to this  
8 Court is that when he encountered Mr. King on that  
9 morning, subsequent to being interviewed within the  
10 timeframe of 8 a.m. to 10:30, 11 a.m., he -- his  
11 encounter with Mr. King, that Mr. King was highly  
12 intoxicated.

13 Your Honor, her testimony from this officer  
14 Dowling, was that when he interviewed him around 9ish,  
15 perhaps, that Mr. King was not in any way intoxicated.  
16 So, I think that Mr. Bates' testimony brings into  
17 question whether or not Mr. King was in a state of  
18 mind that, due to being highly intoxicated, would have  
19 rendered at that statement, given to law enforcement,  
20 not knowing, not voluntary, and then again, we would  
21 offer the same argument having made those statements,  
22 being intoxicated, highly intoxicated, in subsequent  
23 statements obtained by law enforcement should also be  
24 deemed inadmissible. Thank you, Your Honor.

25 THE COURT: Thank you, ma'am. I did recall him

1 saying that. I will note your objection and request.  
2 I believe that's a factual issue for the Jury to  
3 determine.

4 MS. CAMPBELL: Okay.

5 THE COURT: And you can talk to me about whether  
6 or not you want to charge anything about intoxication,  
7 at the appropriate time. Whichever time that -- all  
8 right.

9 Is the State ready to proceed?

10 MS. SWANSON: The State is ready.

11 THE COURT: Just out of curiosity, how many more  
12 witnesses do you think you can do in about 45 minutes?

13 MS. SWANSON: I was going to plan on going ahead  
14 and calling Charles Raley and then Josh Dowling who we  
15 heard from yesterday.

16 Charles Raley, I'm focused on the scene. Josh  
17 Dowling, I'll be focused on the Defendant's statements  
18 in the interviews.

19 THE COURT: And you think we can do that in 45  
20 minutes or so?

21 MS. SWANSON: It seemed like we were able to  
22 yesterday. But, up to Your Honor.

23 THE COURT: No, no. I mean, I will get as much  
24 in --

25 MS. SWANSON: Okay, and then my next witness

1 would be Dr. Batalis, who is coming at 2:00.

2 THE COURT: All right. That sounds like a very  
3 workable plan. Thank you, ma'am.

4 MS. SWANSON: Thank you.

5 THE BAILIFF: The Jury is entering the courtroom,  
6 Your Honor.

7 (Jury enters courtroom.)

8 THE COURT: Thank you, ma'am. Ladies and  
9 Gentlemen, we are going to continue with the State's  
10 case. I think we are going to try and get a couple  
11 more witnesses in before we take a break for lunch.  
12 Ms. Swanson?

13 MS. SWANSON: Thank you. The State calls Charles  
14 Raley.

15 CHARLES RALEY,  
16 called as a witness by and on behalf of  
17 the State to testify, being first duly  
18 sworn was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. SWANSON:

21 Q Officer Raley, who do you work for?

22 A The City of Beaufort Police Department.

23 Q How long have you been there?

24 A Approximately 11 years.

25 Q What is your current position?



1 A Master Sergeant of Investigations.

2 Q Back in May of 2017, did you help investigate the  
3 death of Veronica King?

4 A Yes, ma'am.

5 Q What was the first thing that you did on May 16th  
6 of 2017?

7 A I responded to, then, the Atlantic Inn and I was  
8 in charge of photographing the scene.

9 Q We saw a photograph of the room. Is that a  
10 picture that you took?

11 A More than likely, yes, ma'am.

12 Q I'll show you State's 3A which has been admitted.

13 A Yes, ma'am.

14 Q Then a picture of the body on the couch, which is  
15 State's 3D. Is that a picture that you took?

16 A That's correct.

17 Q Did you take several other pictures of the room?

18 A Yes, ma'am.

19 Q I'm going to hand you a series of photographs and  
20 these are marked 3B, 3C, 3F, 3G and 3H. If you can  
21 just look through these photographs and tell me if  
22 these are photographs that you took of Room 233 at the  
23 Atlantic Inn?

24 A Yes, ma'am. I took all of these photographs.

25 Q Is that how the room appeared when you responded?

1 A Yes, ma'am. This was its natural state.

2 Q Thank you.

3 MS. SWANSON: The State would move 3B, 3C, 3F, 3G  
4 and 3H in at this time.

5 THE COURT: Any objection?

6 MS. CAMPBELL: No, Your Honor.

7 THE COURT: These photographs are into evidence  
8 without objection. Go ahead. You want to publish  
9 them?

10 MS. SWANSON: Yes, sir. Thank you.

11 (Court Reporter marks State's Exhibits 3B, 3C, 3F, 3G  
12 and 3H, photographs, attached hereto.)

13 BY MS. SWANSON:

14 Q Staff Sergeant?

15 A Master Sergeant.

16 Q Master Sergeant.

17 A Yes, ma'am.

18 Q I'm sorry. I am publishing 3B. If you can tell  
19 us what we're looking at in this picture?

20 A Yes, ma'am. Just opening the front door, there  
21 was a brown recliner. Just past that on the left-hand  
22 side was a table with a TV and radio.

23 Q What is this right here?

24 A This is an iPad, I believe, or some type of  
25 computer.

1 Q Was it playing anything?

2 A It was, yes, ma'am. As you can see in the  
3 picture when I photographed it, it appeared somebody  
4 was watching TV at some point.

5 Q Where was it facing?

6 A It was facing the direction of the couch.

7 Q Was that the couch that the victim was on?

8 A That is correct.

9 Q I am publishing 3C. What are we looking at here?

10 A That is the only bathroom in that unit with the  
11 curtain -- the shower curtain is rolled up.

12 Q Publishing 3F.

13 A The trash can showing the empty beer cans.

14 Q What kind of beer is that?

15 A Busch. Busch beer, Busch Ice.

16 Q 3G.

17 A Liquor next to the refrigerator.

18 Q Then 3H.

19 A The mini fridge stocked full of beer.

20 Q Okay. Now, what did you notice about the victim  
21 as you were photographing her?

22 A There were several things. Most notably a busted  
23 lip and blood coming out of her nostrils.

24 Q Did you help the Coroner roll over the victim's  
25 body to get her in the body bag?

1 A Yes, ma'am. I did.

2 Q Did you notice anything when you rolled her over?

3 A There appeared to be a friction burn on the small  
4 of her back.

5 Q I'm going to hand you State's 3J and ask if this  
6 is a photo of that, as you termed it, of a friction  
7 burn or abrasion?

8 A Yes, ma'am.

9 Q Is that how it appeared as you rolled her over?

10 A Yes, ma'am.

11 MS. SWANSON: The State would move 3J into  
12 evidence at this time.

13 THE COURT: 3J is in evidence over the objection  
14 of Ms. Campbell.

15 (Court Reporter marks State's Exhibit Number 3J,  
16 photograph, attached hereto.)

17 MS. SWANSON: I would request to publish.

18 THE COURT: Okay.

19 BY MS. SWANSON:

20 Q Investigator, where on her body did you notice  
21 this?

22 A The small of her back, right at kind of the tail  
23 bone of her buttocks.

24 Q What else are we seeing in this picture?

25 A That's the pattern from the couch.

1 Q That's all I have for you at this time. Please  
2 answer any questions that Ms. Campbell may have for  
3 you.

4 THE COURT: Ms. Campbell, any questions of this  
5 witness?

6 MS. CAMPBELL: Yes. Thank you, Your Honor.

7 \*\*\*

8 CROSS-EXAMINATION

9 BY MS. CAMPBELL:

10 Q Officer Raley, when you arrived at the Atlantic  
11 Inn, one of the officers from your department was  
12 already there. I think it was Officer Jayne. Is that  
13 correct?

14 A Yes, ma'am.

15 Q When you arrive as an investigator on the scene,  
16 you would normally speak to the officers who were  
17 first arriving, correct?

18 A That's correct. Yes, ma'am.

19 Q Gathering information that you might need as  
20 you're conducting your investigation, right?

21 A Correct.

22 Q Part of your responsibilities and duties in this  
23 investigation was to issue a report, correct?

24 A Correct.

25 Q And your report would be accurate, right?

1 A Yes, ma'am.

2 Q After speaking to Officer Jayne, you had  
3 information that Mr. King was reporting early that  
4 morning that his wife suffered from seizures, correct?

5 A That's correct.

6 Q You had that information and there was another  
7 piece of information that you had, that you garnered  
8 from the Coroner who came out, right?

9 A I suppose.

10 Q Do you have your report with you?

11 A I do. Yes, ma'am.

12 Q If you could look at Page 6 of 34, at the bottom  
13 of the page, please, where you note speaking to the  
14 Deputy Coroner, Deputy Coroner Ott?

15 A Yes, ma'am.

16 Q He told you that he examined the body and  
17 discovered what you call petechiae, correct?

18 A That's correct. Yes, ma'am.

19 Q In your experience as a law enforcement officer,  
20 if the Coroner is telling you he observed petechiae,  
21 that is telling you something, is it not?

22 A Perhaps.

23 Q It would arouse your suspicions. How's that?

24 A Yes, ma'am.

25 Q So, you have that information. Now, at the time

1 that you are in the room, Mr. King is actually with  
2 Officer Dowling down at the Beaufort Police  
3 Department, right?

4 A I believe so. Yes, ma'am.

5 Q When you obtained the information from Jayne and  
6 from Detective Coroner Ott, did you telephone this  
7 officer or provide him any information about what you  
8 were getting on scene? Did you let him know?

9 A I don't believe so. No, ma'am.

10 Q Are you sure, or you just don't remember?

11 A Pretty positive that I did not.

12 Q So, your testimony is that there was no  
13 communication between you and Officer Dowling?

14 A Not that I recollect. No, ma'am.

15 Q Being an investigator for some years now, you're  
16 familiar with how to process a scene like the Atlantic  
17 Inn, 233. Right?

18 A Yes, ma'am.

19 Q The Solicitor asked you about your observations  
20 in that Veronica had blood on her lip area, correct?

21 A Yes, ma'am.

22 Q So, you have a woman who has died, who you  
23 described it as a busted lip, with blood and what  
24 forensically did you do in the Atlantic Inn room in  
25 terms of looking for blood elsewhere in that room?

1 What did you do?

2 A After photographing the room in its natural  
3 state, I looked for evidence of blood anywhere, which,  
4 at that time, I located some that I believed on two  
5 towels which were collected.

6 Q That's the green towel and the white towel?

7 A Yes, ma'am.

8 Q Right. The green towel and the white towel, you  
9 took those two towels and you put them into evidence,  
10 correct?

11 A Yes, ma'am.

12 Q Are you aware whether or not those two towels  
13 were ever requested for any sort of analysis to be  
14 done on them by your department?

15 A I am not aware. No, ma'am.

16 Q Would that not be your job then? It would be  
17 somebody else's job?

18 A We have an evidence custodian.

19 Q And the evidence custodian would be the person to  
20 request a forensic analysis of the towels?

21 A They can or the lead investigator.

22 Q And the lead investigator in this case, that was  
23 Dowling, correct?

24 A Yes, ma'am.

25 Q Also, in looking for -- because it was your



1 responsibility to handle the room at Atlantic Inn, you  
2 are familiar with the use of chemical agents like  
3 luminol to search for areas where blood has been  
4 cleaned up, right?

5 A That's correct.

6 Q Did you use luminol in the Atlantic Inn, Room  
7 233?

8 A We did not.

9 Q Okay. So, just basically your eyes surveyed the  
10 area and your eyes were the only tool used to  
11 determine that there wasn't blood anywhere else in the  
12 room?

13 A Correct.

14 Q The iPad depicted in the photograph; you note  
15 that it was still playing?

16 A Yes, ma'am.

17 Q You note that there was, I guess a towel covering  
18 Veronica. I think you describe it as a towel.

19 A Yes, ma'am.

20 Q Covering her body?

21 A Yes, ma'am.

22 Q Was there any other towel, other than the green  
23 towel and the white towel, that you previously  
24 described, any other item like that that you located  
25 and took into evidence?

1 A No, ma'am. I don't believe so.

2 Q In the photograph that the Prosecutor showed you  
3 of the bathroom where the shower curtain was rolled up  
4 over the bar, correct?

5 A Yes, ma'am.

6 Q That's the state that you found it in, correct?

7 A That's correct.

8 Q Okay. That's all I have. Thank you.

9 THE COURT: Anything on re-direct?

10 MS. SWANSON: No re-direct and I would ask that  
11 Investigator Raley be released from his subpoena,  
12 please?

13 THE COURT: Any objection?

14 MS. CAMPBELL: No.

15 THE COURT: You may step down and you are  
16 released from your subpoena.

17 (Witness exits witness stand.)

18 THE COURT: The State may call its next witness.

19 MS. SWANSON: The State calls Josh Dowling.

20 \*\*\*

21 JOSHUA DOWLING,

22 called as a witness by and on behalf of

23 the State to testify, being first duly

24 sworn was examined and testified as follows:

25 \*\*\*

1 DIRECT EXAMINATION

2 BY MS. SWANSON:

3 Q Thank you. Investigator Dowling, who do you work  
4 for?

5 A I work for the City of Beaufort Police  
6 Department.

7 Q Were you the lead investigator on the  
8 investigation into the murder of Veronica King?

9 A That's correct, yes.

10 Q Tell me how you got involved in the case?

11 A I was dispatched to a death scene at the Atlantic  
12 Inn, unknown cause, so we subsequently launched our  
13 investigation.

14 Q What date was that?

15 A That was on May 16th of 2017.

16 Q What time did you arrive at the Atlantic Inn?

17 A It was roughly around 8:30 that morning.

18 Q When you got there, what other first responders  
19 were there?

20 A Myself, Investigator Raley had shown up, officers  
21 of the City of Beaufort Police Department and  
22 emergency medical response units were pretty much  
23 clearing at that point in time.

24 Q So, around 8:30, Fire and EMS are leaving?

25 A Around that time, yes, approximately.

1 Q How long were you at the scene before you made  
2 contact with Dale King?

3 A I was -- I briefly had a chance to walk through  
4 the scene, observe the interior of the motel room and  
5 then I had contact with the Defendant.

6 Q What did you ask him to do?

7 A I had contacted the Defendant to let him know  
8 that it was a county investigation into his wife's  
9 death and requested to bring him back to the Beaufort  
10 State Police Department to talk to him about the  
11 retails regarding such.

12 Q Did he agree to do that?

13 A He did.

14 Q How was he transported there?

15 A He was transported in an unmarked City of  
16 Beaufort patrol CAR. I say patrol car, but it has no  
17 markings on it and it has no interior cage that  
18 separates the officer from the passenger. It's just  
19 wide open. He was in the passenger's seat of the  
20 vehicle.

21 Q The front passenger seat?

22 A That's correct. He was seated in the front  
23 passenger seat, yes.

24 Q Was this a voluntary situation?

25 A Correct, yes. It was just a preliminary

1 investigation and just a general interview.

2 Q If you can speak up a little.

3 A Yes, my apologies.

4 Q Do you see Dale King in the courtroom today?

5 A I do, yes.

6 Q Can you identify him, please?

7 A He's seated at the Defense table in the jacket.

8 Q Where did the interview take place?

9 A The interview occurred at the City of Beaufort  
10 Police Department, which is directly across the street  
11 from the Courthouse.

12 Q What did Dale King tell you during that first  
13 interview?

14 A We had an opportunity to talk. He advised that  
15 he resided in that unit with his wife, that the  
16 previous night they had been consuming alcohol with  
17 friends and he explained that at roughly 10:00 to  
18 11:00 that his friends had departed and he was  
19 subsequently -- it was just him and his wife, that  
20 they had secured the hotel room. There was no one  
21 else in there and he said their demeanor was -- as  
22 being fine. He stated that they both went to bed  
23 together. He didn't report any disturbance or any  
24 arguments that occurred.

25 He advised me that when he woke up in the morning

1 at roughly 8 a.m., that he found his wife on the  
2 couch. He went over to investigate, and he described  
3 that he had rolled her over and noticed that she  
4 wasn't breathing. He did say that he had a phone  
5 right there but that he didn't think about calling  
6 911.

7       Rather, he went downstairs and got his boss.  
8 During the interview, the Defendant stated to me that  
9 his boss asked him why he didn't call 911 and he  
10 replied to me that he didn't want to talk about it.  
11 That's what he told the hotel owner.

12       Further in my interview with the Defendant, he  
13 had stated at some duration, he believed but didn't  
14 have direct knowledge, that his wife may have gone  
15 into the shower. He explained to me that the shower  
16 curtains were up, rolled up and they're usually down.

17       So, I questioned him further regarding that. I  
18 asked him if he believed that she took a tub and he  
19 had responded with, "Yeah," and then he says, "Now,  
20 I'll tell you the truth," and King added that, "She  
21 will get into the tub at night."

22       He encourages her not to do such when she has  
23 been drinking. He said that he had concerns in the  
24 past about her slipping and falling when she goes in  
25 the tub intoxicated. But on that first interview I

1 had with him, he had no knowledge of her going into a  
2 tub and he mentioned no fights or disturbances, that  
3 they just went to bed.

4 He also mentioned in my initial interview, that  
5 when he had rolled her over, his wife, that he  
6 observed a cut on her mouth. I had asked him about  
7 that on her lip, if he had any knowledge regarding  
8 where this injury may have come from and he just  
9 simply shook his head no.

10 So, he had no insight regarding that and that was  
11 more or less the main context of the interview that  
12 occurred in the first interview.

13 Q Okay. Were you -- did you have an opportunity to  
14 interview Mr. King again?

15 A I did.

16 Q When did that second interview take place?

17 A The second interview I had with the Defendant was  
18 on May 18th of 2007.

19 Q So, this is two days after the death?

20 A That's correct, yes.

21 Q Had you received the results of the preliminary  
22 autopsy report at that time?

23 A That's correct. We had the preliminary autopsy  
24 results at that juncture.

25 Q Where did this interview take place?

1 A The interview we had on May 18th, 2017 occurred  
2 at the City of Beaufort Police Department.

3 Q How did he get there?

4 A He was transported in the front passenger's seat  
5 of my vehicle, which at that time was an unmarked  
6 Crown Victoria with no cage.

7 Q Prior to any questioning, did you give him his  
8 Miranda warnings?

9 A I did.

10 Q I'm going to show you what's been marked as  
11 State's Exhibit 1 and ask if you recognize this  
12 document?

13 A I do recognize the document.

14 Q What is it?

15 A This is the Miranda rights form provided to the  
16 Defendant advising him of his Miranda rights and his  
17 subsequent waiver of such.

18 Q Is that the same form that you went over with him  
19 May 18th of 2017 or a copy of it?

20 A That's correct. That's a copy of the form that I  
21 went over with him, yes.

22 MS. SWANSON: The State would move Exhibit 1 into  
23 evidence at this time.

24 THE COURT: Any objection?

25 MS. CAMPBELL: No.



1 THE COURT: State's 1 is into evidence without  
2 objection.

3 (Court Reporter marks State's Exhibit Number 1,  
4 Miranda Rights form, attached hereto.)

5 BY MS. SWANSON:

6 Q Thank you. Investigator Dowling, if you could go  
7 over that form just as you did prior to the  
8 interrogation of Mr. King that day.

9 A The form is a form you fill out. It has blank  
10 lines in it, and we present it and subsequently read  
11 it to anybody that we interview under Miranda.

12 The top portion, we indicate the case number and  
13 this particular case is indicated as 17B30628 and then  
14 the next field I fill out is the dates, which I  
15 indicated 5/18 of 17. That was the date of the  
16 interview and the next section is the time, the  
17 approximate time the interview commences, and I  
18 indicated 2:01 p.m.

19 And as the location, I indicate, I fill out --  
20 because it depends on where we have the interview. I  
21 indicated 1901 Boundary Street, Beaufort, South  
22 Carolina, 29902, which is the Beaufort Police  
23 Department.

24 After we fill that out, we read this form off to  
25 them, which I shall do. "Before we ask you any

1 questions, you must understand your rights. You have  
2 the right to remain silent. Anything you say can and  
3 will be used against you in a court of law. You have  
4 the right to talk to an attorney and to have one  
5 present with you while you are being questioned. If  
6 you cannot afford to hire an attorney, one will be  
7 appointed to represent you before any questions, if  
8 you wish. You can decide at any time to exercise  
9 these rights and not answer any questions or make any  
10 statement.

11 The next field on this Miranda form is, "I have  
12 completed the blank grade in school," and the  
13 Defendant indicated that he'd completed the 11th  
14 grade, so he filled that out.

15 And then the next section, requires initials and  
16 the Defendant initialed accordingly and the first line  
17 of the section reads, "I have read this statement of  
18 my rights and understand each of these rights," which  
19 he initialed.

20 The next one didn't pertain to him so he didn't  
21 initial it and I shall read it off. It reads as  
22 follows, "I cannot read and the statement has been  
23 read to me sufficiently so I understand what my rights  
24 are," and the very last line, which he initialed, it  
25 reads, "I'm willing to make a statement and answer

1 questions. I do not want an attorney at this time. I  
2 understand and know what I am doing. No promises,  
3 threats, pressure or coercion of any kind have been  
4 used against me."

5 So, the Defendant signed at the bottom of the  
6 form. It was indicated with the dates of May 18th,  
7 2017 below the signature and the time, 2:04 p.m. for  
8 the approximate sign he signed and a witness field at  
9 the bottom was filled out by Master Sergeant Raley, he  
10 was a witness to the Miranda.

11 Q Thank you. Was Master Sergeant Raley present for  
12 this interview as well?

13 A He was.

14 Q First of all, does Mr. King ever ask you to stop  
15 the questioning?

16 A No.

17 Q Does he ever request a lawyer?

18 A He does not.

19 Q Does he have freedom to go to the restroom,  
20 should he wish?

21 A Yes and that's part of the introductory, that if,  
22 you know, taking breaks and using the restroom, yes.

23 Q So, he was given those opportunities?

24 A Yes.

25 Q What did he tell you in that interview?

1 A In the second interview I had with the Defendant,  
2 he mirrored certain portions of the initial interview  
3 we had regarding timeline events, his friends being  
4 over, that they had been drinking. But the story  
5 changed in the beginning a little bit and it changed  
6 drastically towards the end of the interview. But he  
7 started off informing me that when everyone had left  
8 the hotel room, that his wife wanted to take a shower  
9 and the Defendant, in his own words, he stated his  
10 response to that was, "Fuck that," and he stated,  
11 "Shit," in regards to doing that in the morning.

12 He was expressing frustration to me that his wife  
13 wanted to take a shower and he didn't want her to.  
14 So, he tells me that in the beginning of the  
15 interview. So, I asked him, I said, "Do you -- "  
16 during the course of this interview I asked him did  
17 she take a shower and he doesn't say. He informs me  
18 he just doesn't know. He speculates, he informed me  
19 that he did find the shower curtain rolled up and he  
20 did see that it was dirty in the tub, but he never  
21 directly saw that. So, I stated that we were thinking  
22 his wife got into the tub sometime during the  
23 nighttime.

24 The Defendant informed me that we don't know his  
25 wife like he does and that when she has her mind set

1 on something, she's going to do it. The Defendant  
2 stated to us that he informed his wife in the past  
3 that when they are drinking, not to be, "Fucking  
4 around here." And I asked the Defendant if -- would  
5 this be something that would make him upset to see her  
6 in there while she was drinking and he replied,  
7 "Exactly."

8 Q Did he say anything else about bathing during  
9 that line of questioning?

10 A He just -- regarding the bathing aspect, he did  
11 not know if she went into the shower or not. He  
12 denied any knowledge of that.

13 Q Okay. Did you all ask him if she would ever take  
14 a bath or shower after he told her not to?

15 A He spoke of past incidences where she would slip  
16 and fall when she was in there, so there had been  
17 prior disputes regarding such, he described to us.

18 Q What else did he tell you in that interview?

19 A So, then during the interview, we returned to the  
20 injury on her lip and I asked him, "Do you have any  
21 idea where this injury came from?," and he continued  
22 to insist he did not, on the first portion of the  
23 interview.

24 So, during the -- probably about a quarter into  
25 the interview, we explained to the Defendant that this

1 was not a natural death from the preliminary autopsy  
2 report, and we expressed our suspicions regarding this  
3 case.

4       So, we asked him if his intoxication would  
5 prevent him from remembering details and he stated,  
6 "No," that he just insisted upon at the end of the  
7 night they had gone to bed. Then, during probably the  
8 middle of the interview we had with him, he starts to  
9 make statements such as, "He thinks something  
10 happened," but he adds that if he's responsible for  
11 it, it was not intentional and that he didn't mean to  
12 hurt his wife. But he doesn't provide any specifics  
13 of what he means by that. That's just a statement he  
14 was saying.

15       So, we continued to ask him about the lip and  
16 then the Defendant made the statements during the  
17 interview that if he hit her in the middle of the  
18 night, he didn't realize he killed her. I asked him,  
19 you know, did he hit his wife and he said no, and he  
20 says, "I don't think I did." And then the Defendant  
21 says that he thought she had an accident and he says,  
22 "If I hurt her, it ain't been planned. I didn't then  
23 in my right ride or something -- or something." So,  
24 as the interview continues and we keep asking him  
25 regarding the injury to his wife's lip, he says, "Me

1 and her," were "fusing and fighting."

2       So, he "hit her," and he described to me that  
3 while they were arguing, he's not providing the  
4 content of what the argument's over, but when everyone  
5 had left, they had been arguing and that he  
6 subsequently slapped her across the face. He  
7 describes his hand was open and he hit her across the  
8 face, and this occurred when they were both in bed.  
9 And he had alleged to me that after he did such, that  
10 she got off the bed and then went to the couch and  
11 that he subsequently went to bed.

12 Q     Okay. So, after he states that he slapped her,  
13 they went to bed and she got on the couch. Does he  
14 offer any other explanation as to how any injuries or  
15 death occurred?

16 A     No, he does not.

17 Q     Does he confirm that he was the only other person  
18 in that hotel room?

19 A     That's correct. After his friends had departed  
20 at roughly 11 p.m. that night, he advised there was  
21 nobody else present with the exception of his wife.

22 Q     When did you arrest Mr. King?

23 A     He was arrested, I believe, on or about May 18th  
24 of 2017.

25 Q     Was it after this interview?

1 A That's correct.

2 Q Was it after the preliminary autopsy results were  
3 available?

4 A That's correct, yes.

5 Q What he arrested for?

6 A He was arrested for murder.

7 Q Thank you. Please answer any questions Ms.  
8 Campbell may have for you.

9 THE COURT: Ms. Campbell, any questions of this  
10 witness?

11 MS. CAMPBELL: Yes, Your Honor. Thank you.

12 \*\*\*

13 CROSS-EXAMINATION

14 BY MS. CAMPBELL:

15 Q Good afternoon.

16 A Good afternoon.

17 Q You came with Officer Raley to the Atlantic Inn  
18 in the same car, right?

19 A Yes.

20 Q One of the people that you talked to -- well, you  
21 were in here when he testified, was Mr. Chet Patel,  
22 right?

23 A Yes, I spoke to the former owner of the Atlantic  
24 Inn, yes.

25 Q Same thing as with Officer Raley, you're trying



1 to gather information from people who were there, may  
2 have seen something, know something about Dale or  
3 Veronica, right?

4 A That's correct, yes. We commenced our  
5 investigation, yes.

6 Q During the course of that investigation, you were  
7 able to determine that Dale and Veronica were both  
8 employees there and had been for some time. Right?

9 A Yes, he identified him -- well, it would have  
10 been a former employee because he had sold the hotel  
11 at that juncture, so I believe it was former, since  
12 the hotel was sold.

13 Q And that to the best of his knowledge, according  
14 to what you report, there were no problems in the  
15 relationship between Veronica and Dale, correct?

16 A Correct, he made that statement to us, yes.

17 Q And that Veronica had a history of seizures and  
18 falling in the tub on at least one occasion prior to  
19 this incident, correct?

20 A Yes, he conveyed that, correct.

21 Q You take Dale away from the scene where his wife  
22 has passed away and you take him down to the Beaufort  
23 Police Department, right?

24 A That's correct, yes.

25 Q And you leave Raley there at the scene, right?

1 A Investigator Raley remains there at the hotel,  
2 yes.

3 Q So, that's the first time that you get Dale  
4 alone, I guess, and try to start talking to him about  
5 what he can remember about the previous night, right?

6 A That's correct, yes. I was commencing with our  
7 interview, yes.

8 Q When you were talking to him that morning, would  
9 you characterize him as highly intoxicated?

10 A I would not.

11 Q So, to you, he appeared to not be intoxicated to  
12 a high degree, correct?

13 A That's correct, yes.

14 Q Because, if he were highly intoxicated, it would  
15 cause you some concern about the information you were  
16 getting from someone highly intoxicated. Right?

17 A Potentially, yes.

18 Q Okay. So, you talked to him, as you've  
19 testified, because you didn't think he was  
20 intoxicated, so you were going to get information from  
21 him, right?

22 A Correct, yes. I commenced my preliminary  
23 interview, yes.

24 Q And you interviewed him that day for how long?

25 A The first interview I would estimate roughly,

1 going on memory, probably about 40 to 45 minutes.

2 Q And you videotaped and audiotaped that interview  
3 with Mr. King, did you not?

4 A That's correct, yes.

5 Q And you placed that audio/video tape into  
6 evidence, correct?

7 A That's correct, yes.

8 Q It's available to the State today, correct?

9 A That's correct, yes.

10 Q The Solicitor asked you about the second time  
11 that you talked with Mr. King, when you had him fill  
12 out this Miranda rights form, correct?

13 A That's correct, yes.

14 Q You had him fill out the Miranda rights form  
15 because he was a suspect in the death of his wife,  
16 correct?

17 A Correct, yes. The preliminary autopsy results  
18 had come back, yes.

19 Q And you had not intention of letting him leave  
20 that day without arresting him, right?

21 A He was going to be arrested, correct.

22 Q Right. So, for -- I'm going to say three and a  
23 half hours, you and Officer Raley question Dale King  
24 about the death of his wife, right?

25 A That's correct. Yes, that would be customary in

1 any homicide investigation to do a thorough interview,  
2 yes.

3 Q Also customary, would be to audio and video tape  
4 that interview, correct?

5 A Yes.

6 Q Or interrogation?

7 A Correct, which was -- that was done, yes.

8 Q Right. Exactly. So, you put that tape of the  
9 interrogation of Dale King into evidence and it's  
10 available today to the State, correct?

11 A That's correct, yes.

12 Q Okay. When you testified earlier for the Jury  
13 and for this case, the Solicitor went through that  
14 three- and half-hour questioning and pulled out a  
15 couple of statements that you're saying Mr. King made,  
16 right?

17 A Well, when I do an interview, I go back and I  
18 narrate, as best as possible, the interview in the  
19 police reports, so I'm referring to my police report.

20 Q So, yes, you pulled out certain phrases or  
21 certain statements that Mr. King made, and you gave  
22 those to this Jury, did you not?

23 A I try to summarize as many details in interview  
24 as possible.

25 Q Now, you left everything to do with the forensics

1 on this case up to Raley, right?

2 A Well, yes, typically we delegate tasks as  
3 investigators, quite customary, yes.

4 Q So, that wouldn't be something that you would  
5 have been responsible for, correct?

6 A My responsibility at that time was the interview,  
7 correct.

8 Q Are you the officer that interviewed Robert  
9 Frazier?

10 A I did, yes.

11 Q And Robert Frazier was an individual who had  
12 spent the evening with Dale and Veronica King, the  
13 night before she passed away, correct?

14 A That's correct. That was one of the friends I  
15 had mentioned that he was with drinking, Robert  
16 Frazier, yes.

17 Q Was it you or Raley that interviewed Paul Watts?

18 A We did not interview Paul Watts.

19 Q Did anyone talk to Paul Watts?

20 A Yes.

21 Q Who was that?

22 A Myself and the Solicitor's office.

23 Q Paul Watts was also around the area at that time,  
24 before she passed away?

25 A That's correct, yes.

1 Q Okay. Based upon the information from Robert and  
2 from Paul, were you given any impression that there  
3 was an argument brewing, if you will, between Dale and  
4 Veronica anytime that evening or were they just  
5 sitting around drinking?

6 A No, at that time, they were sitting around just  
7 drinking, yes.

8 Q So, you and Raley are responsible for the  
9 investigation in the case, correct?

10 A That's correct, yes.

11 Q Are you the top person, though, you're the lead  
12 investigator, right?

13 A Well, I -- its' a team collaboration, but I was  
14 assigned the case. I don't like to have such a  
15 hierarchy like that. We work as a team.

16 Q Well, whose responsibility would it be to go to  
17 the rooms around 233 and talk to the people who were  
18 in those rooms, find out who was registered in those  
19 rooms, to see what they heard overnight. Was that  
20 your responsibility or Raley's?

21 A It could be anybody's responsibility.

22 Q So, who did it? Who talked to those people?

23 A Nobody spoke to anybody in adjacent rooms.

24 Q Thank you. That's all I have.

25 THE COURT: Anything on re-direct:

1 MS. SWANSON: Just briefly.

2 \*\*\*

3 RE-DIRECT EXAMINATION

4 BY MS. SWANSON:

5 Q Was the Atlantic Inn in the process of shutting  
6 down and changing over to the Oasis Inn at the time?

7 A It was. They were undergoing a renovation  
8 project. Now it's a new hotel, so they were in the  
9 process of getting people out and they were going to  
10 start commencing the construction process.

11 Q Okay. When you were talking about and noting  
12 those statements made by Dale King in your report and  
13 summarizing them for the Jury, did you talk about his  
14 denial of his guilt?

15 A Yes, yes.

16 Q As well as any admissions that he made?

17 A I did, yes.

18 Q And ultimately, did he ever admit to any sort of  
19 strangling of Veronica King?

20 A He never admitted that, no. And that was  
21 documented in writing.

22 Q Thank you.

23 THE COURT: Anything on re-cross?

24 MS. CAMPBELL: Nothing.

25 THE COURT: All right. You may step down. Thank

1 you.

2 (Witness exits witness stand.)

3 THE COURT: Is the State ready to call its next  
4 witness or do you want to take a break now?

5 MS. SWANSON: Break.

6 THE COURT: Take a break? All right, Ladies and  
7 Gentlemen, we're going to take a break now until 2:00.  
8 Remember what I have cautioned you with. I'm just  
9 going to remind you again. You can't talk among  
10 yourselves about the case or any testimony or evidence  
11 that you've seen, and you cannot do any kind of  
12 independent investigation and reading or reports or  
13 anything like that.

14 Have a nice lunch and I'll see you all at 2 and  
15 we'll continue with the trial.

16 (Whereupon, the jury exited the courtroom.)

17 THE COURT: Anything from the State before we  
18 take a break?

19 MS. SWANSON: No, sir.

20 THE COURT: Anything from the Defense?

21 MS. CAMPBELL: No, Your Honor.

22 THE COURT: I'll see you at 2:00.

23 (Whereupon, a luncheon recess was held.)

24 THE COURT: Is the State ready to proceed?

25 MS. SWANSON: The State is ready.



1 THE COURT: Is the Defense ready to proceed?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: Can you get the Jury? Thank you.

4 THE CLERK: The Jury is entering the courtroom,  
5 Your Honor.

6 THE COURT: Ladies and Gentlemen, I hope you all  
7 had a good lunch. We will continue now with the  
8 State's case. Ms. Swanson, are you ready to call your  
9 next witness?

10 MS. SWANSON: Yes, sir. The State calls Dr. Nick  
11 Batalis.

12 \*\*\*

13 NICK BATALIS,  
14 called as a witness by and on behalf of  
15 the State to testify, being first duly  
16 sworn was examined and testified as follows:

17 \*\*\*

18 DIRECT EXAMINATION

19 BY MS. SWANSON:

20 Q Dr. Batalis, can you tell the Jury who you work  
21 for and how long you've been there?

22 A I work at the Medical University of South  
23 Carolina up in Charleston and I've been on faculty  
24 there for about 11 and a half years.

25 Q What is your current position there?

1 A I am employed as a professor in the Department of  
2 Pathology with my specific role being as a forensic  
3 pathologist.

4 Q As part of your duties as a forensic pathologist,  
5 do you conduct autopsies?

6 A Yes, that's a large part of what we do.

7 Q Can you tell the Jury a little bit about your  
8 background and educational history?

9 A Sure. I went to undergraduate university at  
10 Butler University, up in Indianapolis. After  
11 graduating college, I moved down to medical school at  
12 the Indiana University School of Medicine. After  
13 completing medical school, I then moved to Charleston  
14 for a four-year residency in general pathology. After  
15 completing the four years of training in general  
16 pathology, I took a national certification to become  
17 certified in general pathology.

18 Then I went on to a one-year specialized  
19 fellowship training at the Dallas County Medical  
20 Examiner's Office in Dallas, Texas, specifically to  
21 obtain training in forensic pathology. At the end of  
22 that year I then took another test to become Board  
23 certified and at that point, then, I came back to MUSC  
24 where I assumed my current position.

25 Q Just ballpark figure, how many autopsies do you

1 think you may have conducted throughout your career?

2 A Somewhere between two and three thousand at this  
3 point.

4 Q Have you ever testified as an expert before in  
5 court in forensic pathology?

6 A Yes, I have. Somewhere between, I would guess  
7 maybe around 75 times in South Carolina, and I believe  
8 twice in North Carolina and twice in Texas.

9 MS. SWANSON: Your Honor, at this time the State  
10 would offer Dr. Batalis as an expert in forensic  
11 pathology.

12 MS. CAMPBELL: No objection.

13 THE COURT: All right, Ladies and Gentlemen, Dr.  
14 Batalis has been qualified as an expert in forensic  
15 pathology. Normally, the rules of evidence do not  
16 permit witnesses to testify as to opinions or  
17 conclusions. An exception to this rule exists for  
18 witnesses we call expert witnesses. A witness who by  
19 education and experience has become expert in some  
20 art, science, profession or calling, may state an  
21 opinion as to a relevant and material matter in which  
22 the witness claims to be an expert and may also state  
23 the reasons for the opinion. You should consider any  
24 expert's opinion like any other evidence and give it  
25 the weight you think it deserves. An expert witness's

1 testimony is to be given no greater weight than that  
2 of other witnesses, simply because the witness is an  
3 expert.

4       You are not required to accept an expert's  
5 opinion even though it is uncontradicted. The  
6 testimony of experts is to aid and assist you as  
7 Jurors, not to dominate or control you in the decision  
8 of your analysis of the facts. Their opinion and  
9 deductions of the evidence before you and their  
10 judgments and opinions do not preclude yours. All  
11 right. If you'd go ahead and continue asking  
12 questions.

13       MS. SWANSON: Thank you.

14 BY MS. SWANSON:

15 Q Did you have the opportunity to conduct an  
16 autopsy on Veronica King?

17 A I did, on May 17th, of 2017.

18 Q Going through your diagnoses, just starting with  
19 Number 1, let's just talk about those in your findings  
20 in conjunction with those.

21 A Sure. First, I file diagnoses. I break it into  
22 an outline type form and my first diagnosis in this  
23 case was a diagnosis of strangulation.

24 Q What were your -- what were the contributing  
25 factors that led to that diagnosis?

1 A When we perform an autopsy, it has a couple  
2 different components to it. The first thing we'll do  
3 when the body comes in, we'll take photographs of the  
4 body before we've done anything to the body, so we  
5 receive the body as it is.

6 We then collect any evidence, personal effects,  
7 clothing, remove that, clean the body, take another  
8 set of photographs. Then we do what we call an  
9 external examination where we essentially look at the  
10 body from head to toe, describing tattoos, scars, but  
11 also looking for any evidence of injury or natural  
12 disease.

13 Following that external exam, we then do an  
14 internal examination where we expose the internal  
15 organs and dissect those individually, again, looking  
16 for any natural disease or trauma.

17 Q Starting with the external observations that  
18 indicated strangulation, what were those?

19 A As part of the external exam here, there were a  
20 couple of findings in the head and neck area that were  
21 concerning. The first was that we had at least three  
22 areas of bruising on the left side of the neck. There  
23 was an area kind of on the upper left-side of the neck  
24 along the left jaw and then two other areas of  
25 bruising toward the base of the neck. In addition to

1 that, in the left eye we had two areas of hemorrhage,  
2 so two areas of bleeding into the eye. Toward the  
3 outer aspect of the left eye, was a more what we call,  
4 confluent hemorrhage, so a larger hemorrhage, maybe  
5 one to two centimeters and then toward the medial part  
6 of the eye, so closer to the nose, there was a  
7 pinpoint of hemorrhage.

8       So, these are not -- bruising on the neck and  
9 hemorrhage in the eye was not diagnostic of  
10 strangulation in and of itself, but they are certainly  
11 findings that kind of raise your level of suspicion  
12 that there could be something going on with that. In  
13 addition to the bruising on the neck and the  
14 hemorrhage in the eye, we could also see in the  
15 head/neck area there was a laceration or a tear of the  
16 skin toward the corner of the mouth.

17       So, again, that would not be an indication of  
18 strangulation, but an indication that there was some  
19 sort of trauma that was inappropriate.

20 Q     So, as a result of those external indicators of  
21 strangulation, what did you do?

22 A     When we moved on to the internal portion of the  
23 exam, again, we do an incision to predominately expose  
24 the internal organs but the other thing we'll do is  
25 reflect the skin on the neck and we'll bring that up

1 so that we can see what we call the strap muscles of  
2 the neck, so the ones that kind of connect the upper  
3 part of your neck down to where your collar bones are.

4 So, we evaluate those muscles, we look for any  
5 evidence of bleeding in those muscles that could show  
6 that there was some sort of pressure that was applied  
7 on the muscles, then we dissect those back and we look  
8 at the cartilages, so, kind of, your Adam's apple is  
9 part of your cartilage, you have your hyoid bone, a  
10 bone in the upper neck, so we look for injuries to the  
11 muscles, cartilage or bone in the neck.

12 Q I'm going to show you what has been marked as  
13 State's Exhibit 3L and ask if this is a picture of the  
14 neck dissection from your autopsy on Veronica King.

15 A Yes, this is.

16 Q Okay. That was not originally in black and  
17 white, correct?

18 A No, this is a black and white reproduction of a  
19 photograph I took during the autopsy.

20 Q Is that a fair and accurate depiction of the  
21 dissection?

22 A Yes, outside of the coloration, yes.

23 Q. Thank you.

24 MS. SWANSON: The State would move 3L into  
25 evidence at this time.

1 THE COURT: 3L is in evidence over the objection  
2 of the Defendant.

3 (Court Reporter marks State's Exhibit Number 3L,  
4 photograph, attached hereto.)

5 MS. SWANSON: I would request to publish?

6 THE COURT: You may.

7 MS. SWANSON: And also request that the witness  
8 be allowed to step down.

9 THE COURT: Doctor, if you don't mind stepping  
10 down.

11 BY MS. SWANSON:

12 Q I am publishing 3L, and Dr. Batalis, if you can  
13 just explain to the Jury what we're looking at here  
14 and I'm going to give you this pen to point out.

15 THE COURT: And Dr., you -- well, there's a mike  
16 there. Okay. But you still need to speak up, please  
17 sir, if you don't mind.

18 A Yes, sir. Thank you. So, the image here again  
19 is showing a dissection of the neck, where we have our  
20 case number up here with a unique identifier for this  
21 case and this would be up where her face would be  
22 toward the top here. So, down towards the bottom of  
23 the picture, this would be heading on down to be the  
24 chest cavity.

25 So, basically, from right here, the low area here



1 would be where your collar bones kind of meet your  
2 chest plate and then as we come to the top here, this  
3 is just above where your Adam's apple would be. What  
4 we can see here, these muscles in particular even on  
5 the black and white photo, you can see that they kind  
6 of generally had a greyish discoloration, kind of all  
7 throughout, that everything looks similar. But then  
8 if you look at the other muscles in the neck, so,  
9 there's a large area here with the dark  
10 discoloration.

11 There's another area here and this muscle here,  
12 there's another area up towards the top here where  
13 there's a dark discoloration, another smaller  
14 discoloration to this muscle and then also a little  
15 bit towards the edge out here.

16 So, in color photography, these are bright red,  
17 purple collections of bleeding or contusion, what we  
18 would call contusions. So, in the course of  
19 reflecting those neck muscles, you have basically ten  
20 major muscles. I found individual hemorrhages in six  
21 of those ten muscles.

22 In addition to the hemorrhages that we can see  
23 here on this surface, behind this structure, so, this  
24 would be the throat where your cartilages are, behind  
25 that is your esophagus, basically the tube that runs

1 through from your mouth to your stomach, there was  
2 hemorrhage that wrapped around the esophagus as well,  
3 so again, the take home point is, we have several  
4 areas of discrete or individual hemorrhages in the  
5 neck that, again, in correlation with the hemorrhage  
6 we saw in the eye and the bruising we saw on the  
7 outside of the neck, that would lead us to the  
8 diagnostic of strangulation.

9 Q Thank you, doctor. You may retake the stand.  
10 So, your findings in reference to the neck muscles,  
11 the hemorrhaging, the bruising, would they be  
12 consistent with a two-handed strangling with the  
13 fingers towards the back of the neck?

14 A That's one possible way it could have occurred.

15 Q Okay. How significant would you say the force  
16 involved was?

17 A These are hard to say. I don't think we can put  
18 a specific pounds per square inch, but we don't  
19 routinely see these neck hemorrhages in just regular  
20 autopsies where people die from drug overdose, natural  
21 disease, those type of things. To see hemorrhages  
22 like this, again, these are the types of things we see  
23 in car accidents, falls from height or in cases where,  
24 again, there is significant pressure placed on the  
25 neck.

1           In addition to that, hanging is another situation  
2 where you would have a rope of some sort of structure  
3 kind of around the neck. In those cases, we don't  
4 tend to see the hemorrhages as often because the  
5 pressure is more evenly spread out, so you don't have  
6 that direct pressure, so in this case where we have  
7 those distinct areas of pressure, again, it really  
8 kind of puts to the point that you have, again, really  
9 the individual pressure points on the neck, would help  
10 to differentiate it.

11       Q     Moving on to your second diagnosis, blunt head  
12 trauma, what were your findings in reference to that?

13       A     In addition to the findings indicative of  
14 strangulation, there were some other areas of injury.  
15 One area was what we call blunt head trauma. Blunt  
16 force trauma being, again, any sort of non-sharp  
17 object. So, the mention on the left corner of the  
18 mouth, there was a laceration involving that skin.  
19 Also, as part of the internal exam, this is reflective  
20 of the neck interior, we do the same thing with the  
21 scalp. So, we kind of pull the scalp forward and  
22 backwards and when we did that, we saw at least seven  
23 to eight, again, distinct areas of hemorrhage in the  
24 scalp.

25           So, these would be basically scalp contusions

1 that didn't show up on the outside on the outer skin,  
2 but the deeper structure showed the collections of  
3 hemorrhage or bleeding in the scalp.

4 Q So, those are impact spots? Is that another way  
5 to say it?

6 A Yes, that would be one way to say it.

7 Q I'm sorry, how many, nine?

8 A At least seven to eight.

9 Q Seven to eight.

10 A Sometimes they kind of bleed together and it's a  
11 little bit difficult, but there are at least seven to  
12 eight, again, distinct lesions.

13 Q What other injuries did you find in your  
14 examination of Veronica King's body?

15 A On the outside of the body there were several  
16 different bruises on the upper, on the arms and legs  
17 that appear to be in different colors.

18 So, some were a little bit more purplish/red that  
19 appeared to be a little more fresh. Some appeared to  
20 be a little more yellow/brown, so they appear from  
21 different ages, but they were kind of scattered on the  
22 upper and lower extremities. Also, on the back, along  
23 the sacrum, so just above the buttocks, there was what  
24 appeared to be a relatively fresh abrasion or scraping  
25 of the skin that had some bleeding underneath it.

1           Based on that, we then did a dissection of the  
2 back to look for additional bruising. We saw two  
3 different, two other bruises in the tissues of the  
4 back itself and then we extended that up to look at  
5 the back of the neck and then in the back of the neck,  
6 we saw additional hemorrhages towards the upper part  
7 of the neck.

8           So, we have the hemorrhages in the front of the  
9 neck as we described, we had the head trauma with the  
10 laceration on the mouth and the head contusions and  
11 then again, we also had some scattered contusions on  
12 the body and then along the back a scrape and then  
13 some deep bruises that extended up to the back of the  
14 neck.

15 Q       That abrasion along with the deep bruises, would  
16 that be consistent with possibly being dragged or drug  
17 across a carpet?

18 A       It certainly could be one way it would occur.

19 Q       Finally, the cause of death, what was your  
20 conclusion?

21 A       The cause of death in this case I determined to  
22 be strangulation.

23 Q       And the manner of death?

24 A       The manner of death is homicide, which is death  
25 at the hands of another individual.

1 Q Thank you. Please answer any questions that Ms.  
2 Campbell may have for you.

3 THE COURT: Ms. Campbell, any questions of this  
4 witness?

5 MS. CAMPBELL: I do. Thank you, Your Honor.

6 \*\*\*

7 CROSS-EXAMINATION

8 BY MS. CAMPBELL:

9 Q Good afternoon.

10 A Good afternoon.

11 Q If I heard you correctly, when you were answering  
12 questions from the Prosecution, you have your MD. You  
13 went to medical school, right?

14 A Yes.

15 Q Your specialty would be the forensic pathology,  
16 right?

17 A Correct.

18 Q I know that you noted in your report on Page 2 of  
19 5, that you received a report that Veronica had a  
20 history of seizures, correct?

21 A Yes.

22 Q If you could, just explain what your medical  
23 knowledge is about tonic-clonic seizure?

24 A Tonic-clonic seizure would be more of a  
25 generalized seizure, the type of seizure, I guess, if

1 you see on TV with the shaking, that type things that  
2 occur.

3 Q Some of the things that can occur during a tonic-  
4 clonic seizure would be coughing, vomiting?

5 A I don't know how often coughing is. You could  
6 have vomiting afterwards.

7 Q What about the tonic phase of the seizure where  
8 you have a stiffening of the extremities of the body,  
9 correct?

10 A Yeah, you're really getting beyond my area of  
11 expertise at this point.

12 Q Okay. But now, you were given that she has a  
13 history of seizures as part of this forensic autopsy,  
14 right? So, you do need to know enough about them,  
15 correct?

16 A I know we interpret seizures in the context of  
17 determining the cause of death, not every specific  
18 manifestation of a seizure in the body.

19 Q Are you, then, aware or educated to know that the  
20 petechial hemorrhaging can occur during a tonic-clonic  
21 seizures?

22 A I would imagine it could. As I stated earlier,  
23 the hemorrhages in the eyes, in and of themselves, are  
24 not specific to strangulation. They can occur in  
25 other circumstances.

1 Q Are you also aware, again, general medical  
2 knowledge, with the cerebral -- I would say amyloid  
3 angiopathy, which would be slight hemorrhages in the  
4 brain, correct?

5 A Not exactly, no.

6 Q Are you at all familiar with how that interplays  
7 with individuals who have the tonic-clonic seizures?

8 A I'm sorry. I'm not sure where you're going with  
9 that question from the one you asked before.

10 Q Isn't it --

11 A I don't believe what you stated before was true.

12 Q Do you know, again, as an expert, whether or not  
13 medically, the tonic-clonic seizures can cause the  
14 individual to have hemorrhages in their brain?

15 A They may be able to, but we did not find any  
16 hemorrhages in the brain in this case. So, it seems  
17 irrelevant.

18 Q Isn't it true that during the tonic-clonic  
19 seizures, that the grand mal, if you will, right?

20 A That's another term, yes.

21 Q Right. Is a fairly violent episode for the  
22 individual's body, correct?

23 A They can be, yes.

24 Q And they involve, generally speaking, pretty  
25 serious contractions of the chest and the abdomen and



1 the carotid, in reaction to what's happening to the  
2 body. It can be very violent, correct?

3 A They can be.

4 Q In the process of having a tonic-clonic, grand  
5 mal seizure, some individuals can fall and hurt  
6 themselves, correct?

7 A Correct.

8 Q They can also, in the process of that, bite  
9 inside their mouth or their lips because of the  
10 seizure that's taking place in their body, correct?

11 A It's fairly common that they will bite on their  
12 tongue. I don't know about their lip. Regarding this  
13 case, the corner of the mouth would be a very atypical  
14 place to bite down and we did not see any evidence of  
15 an actual bite mark, but more of a tearing of the skin  
16 or a laceration.

17 Q So, that's been your experience, correct?

18 A Yes.

19 Q If there were reports in medical journals that  
20 indicate individuals had bitten their lips during  
21 grand mal seizures, would you argue with that?

22 A I wouldn't argue that other folks had bit their  
23 lips, but I would argue that there was no bite mark in  
24 this case.

25 Q There's an injury to the lip, correct?

1 A There is a tearing or a laceration, but not a  
2 bite mark.

3 Q Okay. Thank you. The last thing I have for you  
4 is, in your items that you turned over to the Beaufort  
5 Police Department, one of those items is a fingernail  
6 clipping for Veronica King, correct?

7 A One second, please? Yes.

8 Q Typically, the reason to collect the fingernail  
9 clippings would be so law enforcement could analyze  
10 perhaps evidence on the fingernails of the deceased,  
11 correct? Who might have been the person she was  
12 trying to get away from, right?

13 A Correct.

14 Q Thank you. That's all I have.

15 THE COURT: Anything on re-direct?

16 MS. SWANSON: No, Your Honor. I would ask that  
17 Dr. Batalis be allowed to be excused and released from  
18 his subpoena.

19 THE COURT: All right. Thank you, sir. You are  
20 excused from your subpoena.

21 (Witness exits witness stand.)

22 THE COURT: Is the State prepared to call its  
23 next witness?

24 MS. SWANSON: The State calls Bessie Bates.

25 \*\*\*

1 BESSIE BATES,  
2 called as a witness by and on behalf of  
3 the State to testify, being first duly  
4 sworn was examined and testified as follows:

5 \*\*\*

6 DIRECT EXAMINATION

7 BY MS. SWANSON:

8 Q Good afternoon, Ms. Bates.

9 A Good afternoon.

10 Q Who are you married to?

11 A I am married to Brandon Jerome Bates.

12 Q How are you related to Veronica King?

13 A I am her sister.

14 Q Do you come from a large family?

15 A Yes.

16 Q How many siblings?

17 A Sixteen living siblings.

18 Q Whereabouts in Beaufort do you come from?

19 A St. Helena Island.

20 Q When did you first meet Dale King?

21 A Way over 30 years ago.

22 Q How would you describe Dale and Veronica's  
23 relationship?

24 A The truth is, their relationship was not the best  
25 of relationships.

1 Q I'm sorry. Can you --

2 A They didn't have a very good relationship.

3 Q Okay. Did you ever see them fighting or fussing?

4 A No, I didn't see them fighting directly, but when  
5 I would see my sister, yeah, you could tell that  
6 she - it wasn't good.

7 Q Did you ever give your sister any advice about  
8 her relationship with Dale?

9 A Yes.

10 Q What was that?

11 A Seeing -- witnessing the times when I had to go  
12 to the hospital and to check after her for being  
13 beaten and stuff like that.

14 MS. CAMPBELL: Objection, Your Honor.

15 THE COURT: Don't say anything, Ms. Bates. I'm  
16 sorry. Are you going to redirect your question?

17 MS. SWANSON: Yes. Yes, sir.

18 THE COURT: You all disregard that last answer.  
19 Go ahead.

20 BY MS. SWANSON:

21 Q Not getting into any details of fights or things  
22 that you did not personally observe, did you give  
23 Veronica any advice about her relationship with Dale.

24 A Yes, I have.

25 Q Okay. What advice was that? What did you tell

1 her?

2 A That you need to -- you need to come out of the  
3 situation that you're in.

4 Q When you found out Veronica was dead, what did  
5 you do?

6 A I was at work. I got the phone call. I  
7 immediately stopped everything, and I went straight  
8 there.

9 Q And when you say, "straight there," where was  
10 that?

11 A At the hotel.

12 Q The Atlantic Inn?

13 A Yes.

14 Q When you went to the Atlantic Inn, did you talk  
15 to Dale?

16 A Yes, I did.

17 Q What did he tell you?

18 A After the cops brought him back, because I was  
19 out there when they had taken her on, so the cops come  
20 back and he sat down on the step, and we were able to  
21 talk to him and he was grieving, so we were grieving  
22 along with him and showing him that, you know, we  
23 cared or whatever, not knowing much at that time.

24 Q Okay. So, as a result, did you invite him to  
25 your home that evening?

1 A Yes.

2 Q What happened at your home that evening?

3 A Well, we took him home after a long struggle, we  
4 got him home and brought him home so he could take a  
5 shower and whatever, and he was so fidgety, he was  
6 fidgety, just like he needed to get back.

7 So, we were like, "Take a shower and then we can  
8 take you back to wherever," but he insisted on going  
9 immediately. So, Jerome took -- my husband took a  
10 rest and we was hoping that he would do the same, but  
11 at 2:00 I went and took a nap, got up and the door was  
12 open and I said to my husband, I said, "I think he's  
13 gone."

14 Q Was that the last time that you saw him prior to  
15 his arrest?

16 A Yes.

17 Q Okay. Thank you, Ms. Bates. I have nothing  
18 further at this time.

19 THE COURT: Anything on cross?

20 MS. CAMPBELL: No questions.

21 THE COURT: Thank you, ma'am. You may step down.

22 MS. SWANSON: I would ask that Ms. Bates be  
23 released from her subpoena.

24 THE COURT: You are released from your subpoena.

25 Thank you, ma'am.

1 (Witness exits witness stand.)

2 MS. SWANSON: The State calls Naomi King.

3 MS. CAMPBELL: Your Honor, if I could have an  
4 opportunity at our next break to fully argue my motion  
5 on the objection that I had during the testimony?

6 THE COURT: Yes. We'll do that. Okay. Thank  
7 you.

8 MS. CAMPBELL: Thank you.

9 \*\*\*

10 NAOMI KING BELK,  
11 called as a witness by and on behalf of  
12 the State to testify, being first duly  
13 sworn was examined and testified as follows:

14 \*\*\*

15 DIRECT EXAMINATION

16 BY MS. SWANSON:

17 Q Naomi, how are you related to Veronica and Dale  
18 King?

19 A I am their daughter.

20 Q How many siblings do you have?

21 A I have four.

22 Q Are you the oldest?

23 A I'm the second oldest.

24 Q Did you guys grow up with Dale and Veronica?

25 A Yes, ma'am.

1 Q Did you also grow up with someone else?

2 A Yes, ma'am.

3 Q Eventually, did you end up going to college?

4 A Yes, ma'am.

5 Q What did you end up doing after college?

6 A I became a teacher.

7 Q Okay. Is that what you are currently doing?

8 A Yes, ma'am.

9 Q Where did you go to college?

10 A North Greenville University.

11 Q Would you come back and visit your parents from  
12 time to time?

13 A Yes, ma'am, I would.

14 Q Do you remember one of those visits being in  
15 March of 2017?

16 A Yes, ma'am.

17 Q What was the occasion?

18 A I came down for my birthday.

19 Q Tell us what your parents were doing that day?

20 A They worked during the day like they usually  
21 would. After they finished working, we went out and  
22 bought oysters for the occasion of my birthday and  
23 then that evening there was an altercation and they  
24 had been drinking that day.

25 Q Were you visiting them at the Atlantic Inn?



1 A Yes, ma'am.

2 Q In the room that they lived in?

3 A Yes, ma'am.

4 Q What do you recall hearing when the altercation  
5 began or tell me what you remember about the  
6 altercation?

7 A It was late. We were going to bed. I had a hard  
8 time sleeping because the two of them were exchanging  
9 words. I can't really remember those words. I went  
10 to the restroom because I was upset. I heard my mom  
11 getting hit, so I called 911.

12 Q Did you stay in the bathroom until police  
13 arrived?

14 A Yes, ma'am.

15 Q When you saw your mother next, did you see any  
16 injuries on her?

17 A She had some bruises on her face.

18 Q Were those there prior to the altercation and  
19 prior to you going into the bathroom?

20 A No, ma'am.

21 Q Was Dale arrested that night?

22 A Yes, ma'am.

23 Q Thank you, Naomi. I've no further questions for  
24 you at this time.

25 THE COURT: Any questions of this witness, Ms.

1 Campbell?

2 MS. CAMPBELL: No, sir.

3 THE COURT: You may step down. Thank you, ma'am.

4 MS. SWANSON: I would ask that she be excused  
5 from her subpoena, please?

6 THE COURT: You are excused from your subpoena.  
7 Thank you, ma'am.

8 (Witness exits witness stand.)

9 MS. SWANSON: The State calls Trish Brubaker.

10 \*\*\*

11 TRISHA BRUBAKER,

12 called as a witness by and on behalf of

13 the State to testify, being first duly

14 sworn was examined and testified as follows:

15 \*\*\*

16 DIRECT EXAMINATION

17 BY MS. SWANSON:

18 Q Sergeant Brubaker, what was your role at Beaufort  
19 Police Department back in March of 2017?

20 A Yes. I was a Corporal, which is an Assistant  
21 Shift Supervisor.

22 Q Were you on duty the night of March 18th of 2017?

23 A Yes, I was.

24 Q What kind of call were you called out to at the  
25 Atlantic Inn?

1 A We were contacted to go to the Atlantic Inn,  
2 located at 2249 Boundary Street in the City  
3 jurisdiction of Beaufort at around 02:27 hours, 2:27  
4 in the morning, in regards to an anonymous complaint  
5 of a domestic disturbance.

6 Q What room did you eventually respond to?

7 A We ended up responding to Room 233, second floor  
8 of the Atlantic Inn.

9 Q What did you observe as you approached that door?

10 A We approached the door of Room 233, we could both  
11 audibly hear a male subject yelling at someone within  
12 the room.

13 Q Did you knock on the door?

14 A We did knock on the door.

15 Q Who answered?

16 A Mr. Dale King answered the door.

17 Q What did you tell him?

18 A We advised him that the Beaufort Police  
19 Department was there in regards to a report of a  
20 domestic disturbance.

21 Q What did he say?

22 A He denied that there was a disturbance, claiming  
23 that we must have the wrong room, he was getting ready  
24 to go to bed.

25 Q At that point, what did you do?

1 A At that point in time, protocol is that we  
2 separate the parties. We had Mr. Dale King step  
3 outside of the room. I stayed inside the room because  
4 I could see a female laying in the bed, so I could  
5 checked on the female party.

6 Q What did Veronica King -- how did she appear when  
7 you entered the room?

8 A She was laying in a large bed and she was kind of  
9 covered up all the way.

10 Q Did you notice any injuries on her?

11 A I did.

12 Q What were those?

13 A I immediately noticed a contusion to her  
14 forehead. It was a larger contusion. I then observed  
15 a swelling and a mark to her left eye area and I could  
16 see some fresh blood and some swelling to her lower  
17 left lip area.

18 Q Did you take any pictures?

19 A I did. I was in charge of taking the  
20 photographs.

21 Q I'm going to show you what's been marked as  
22 State's 3M and ask if this is the picture that you  
23 took of Veronica King and her injuries on March 17th -  
24 - I'm sorry, March 18th of 2017?

25 A This is and this does depict the injuries.

1 Q And that's a fair and accurate depiction of them?

2 A Yes, ma'am.

3 MS. SWANSON: The State would move 3M into  
4 evidence at this time.

5 THE COURT: It is in evidence over the objection  
6 of the Defendant.

7 (Court Reporter marks State's Exhibit Number 3M,  
8 photograph, attached hereto.)

9 MS. SWANSON: And I would request to publish?

10 THE COURT: You may.

11 BY MS. SWANSON:

12 Q I am publishing 3M. Was there anyone else in the  
13 room?

14 A There was. There was another female party  
15 located in the bathroom of that hotel room.

16 Q Who was that?

17 A That was Naomi Belk. That was their daughter.

18 Q Did you interview Naomi?

19 A We did.

20 Q Did you obtain a written statement from her?

21 A We did.

22 Q Did you say anything to Veronica or provide her  
23 with any information before you left that evening?

24 A We provided her with the standard victim's items.

25 Q Was Dale King placed under arrest?

1 A He was that evening.

2 Q For what?

3 A He was placed under arrest for domestic violence  
4 in the second degree.

5 Q Can you identify Dale King? Do you see him in  
6 the courtroom today?

7 A Yes, ma'am. I do. I currently see him sitting in  
8 the blazer, next to the white female.

9 Q Thank you. That's all I have. Please answer any  
10 questions Ms. Campbell may have.

11 THE COURT: MS. Campbell, any questions of this  
12 witness?

13 MS. CAMPBELL: No questions.

14 THE COURT: You may step down. Thank you, ma'am.

15 (Witness exits witness stand.)

16 THE COURT: Is the State ready to call your next  
17 witness?

18 MS. SWANSON: I would ask that Sergeant Brubaker  
19 be allowed to be excused and at this time, the State  
20 would rest our case.

21 \*\*\*

22 STATE RESTS

23 THE COURT: All right, Ladies and Gentlemen, the  
24 State has rested. That means you've heard all the  
25 testimony that the State is going to introduce and I'm

1 going to excuse you all to go to the jury room while  
2 we take up some matters, like I discussed in my  
3 opening and you all go back there, remember you cannot  
4 talk about any of the testimony you've heard and I'll  
5 get you all back in here in just a minute. Thank you.

6 (Jury exits courtroom.)

7 THE COURT: Ms. Campbell, I believe you wanted  
8 to, I guess, flesh out your objection to Ms. Bates  
9 giving us some testimony or something?

10 MS. CAMPBELL: Yes, sir. Thank you. Having  
11 objected during her testimony earlier, I'm taking this  
12 first opportunity to place on the record the  
13 Defendant's motion for a mistrial. What happened was  
14 that Your Honor heard proper testimony yesterday from  
15 the State for this witness and the confines of your  
16 ruling in that testimony were very clear and either  
17 through negligence -- I certainly wouldn't argue to  
18 you that it was purposeful, but it happened.

19 The witness began a series of testimony in front  
20 of this Jury where she said she had to be going to the  
21 hospital and taking care of her sister after he would  
22 be beating her up and that falls against the rules and  
23 outside your order and you admonished the Jury to  
24 disregard it, but our position is that is insufficient  
25 and we would move for a mistrial at this juncture.

1 Thank you, Your Honor.

2 THE COURT: I'm glad that you caught it when you  
3 did before she -- I was having a little bit of trouble  
4 hearing her, even right here next to me. I cautioned  
5 them to disregard that answer. I put a note of your  
6 objection as you had put it in as soon as could and  
7 let me just say, Ms. Campbell, I appreciate you not  
8 interrupting the testimony so that we could go through  
9 the full of it, because had -- I think, had you done  
10 that, it would have emphasized what you were saying.  
11 So, I do appreciate you doing that.

12 I can't -- I'm not going to grant the mistrial,  
13 but I'm going to note your objection to our ruling, so  
14 that will be preserved. Okay? Hopefully, I've got a  
15 Jury that is very attentive. I think they are  
16 listening, so we'll continue to press forward. Okay?  
17 Now, have you talked to Mr. King about testifying or  
18 do you need to talk to him further?

19 MS. CAMPBELL: Yes, Your Honor. We've had  
20 conversations prior to today and we have had a  
21 conversation today, taking the opportunity over the  
22 lunch hour to discuss it, and so, I would just ask,  
23 Your Honor, if you would advise him now and then give  
24 him a brief opportunity to make a final decision. I  
25 think we could do that.



1 THE COURT: Mr. King, I'm going to -- did you  
2 want to swear in? I'll go ahead and do it.

3 Mr. King, I'm going to put you under oath, first  
4 of all. Can I get you to raise your right hand? Do  
5 you swear to tell the truth, the whole truth and  
6 nothing but the truth, so help you God?

7 MR. KING: Yes, sir.

8 THE COURT: All right. You can put your arm  
9 down. Mr. King, at this time I'm going to explain to  
10 you certain of your rights. If you don't understand  
11 something I say, please let me know. If you want me  
12 to explain anything in more detail, please also let me  
13 know. Do you understand that

14 MR. KING: Yes, sir.

15 THE COURT: We have now reached the stage in the  
16 trial where you may present your defense. You have  
17 the right to claim the protections give to you by the  
18 Fifth Amendment of the Constitution of the United  
19 States, which states in part, that no person shall be  
20 compelled in any criminal case to be a witness against  
21 himself.

22 This means that you cannot be required to testify  
23 in this case. You have the right to testify on your  
24 own behalf, however, no one can make you testify.  
25 This is a personal right and no one can waive this

1 right except you. If you decide to testify, you will  
2 be subject to the same rules that govern other  
3 witnesses and you may be examined and cross-examined  
4 on any relevant issue in this case.

5 In addition, if you have any convictions  
6 involving dishonesty or false statements or for crimes  
7 punishable by imprisonment for more than one year and  
8 this Court determines that the probative value of  
9 admitting this evidence outweighs it's prejudicial  
10 affect to you, the Solicitor will be able to introduce  
11 your record to attack your credibility.

12 If you decide to testify, this decision on your  
13 part must be freely, voluntarily and intelligently  
14 made with knowledge of the protections given to you by  
15 the Fifth Amendment and the consequences of your  
16 decision to testify.

17 If you decide not to testify, I will instruct the  
18 Jurors that they cannot give the fact that you did not  
19 testify and consideration whatsoever and that there is  
20 to be absolutely no prejudice to you because you did  
21 not testify. It is left entirely up to you whether or  
22 not you testify. You may talk with your attorney,  
23 your family and friends or anyone else, but the final  
24 decision is left entirely up to you.

25 Do you understand what I've explained to you MR.

1 MR. KING: Yes, sir.

2 THE COURT: Do you have any questions about what  
3 I've explained to you?

4 MR. KING: No.

5 THE COURT: Have you discussed with your lawyer  
6 whether you should or should not testify?

7 MR. KING: Yes, sir.

8 THE COURT: Okay. Do you wish to talk with your  
9 lawyer anymore at this time? That really is your  
10 call. If you've got some questions that you want to  
11 talk to her, I'll allow you to do it. Yeah, yeah.  
12 You can sit there, and you can talk to her or you all  
13 -- or we can take a break and --

14 MS. CAMPBELL: We can go in the back.

15 THE COURT: That's fine with me. Whatever you  
16 all want to do. Okay. You all go do that and while  
17 they're out on break, we'll take a break.

18 THE COURT: All right. We're going back on the  
19 record.

20 MS. CAMPBELL: Your Honor, I think after  
21 consulting with the Prosecution over the break,  
22 procedurally, prior to my client making this decision  
23 about whether or not he will testify, I need to make  
24 my motion for a directive verdict and have that argued  
25 and heard and ruled on, if I may.

1 THE COURT: Okay.

2 MS. CAMPBELL: Citing to the case laws and  
3 standards that Your Honor I'm sure is familiar with,  
4 of State v Ballenger (phonetic), a 2001 case. Of  
5 Ballenger, a 1996 case, our position is the evidence  
6 at this point is going to require this Jury to  
7 speculate and the reason it's going to require them to  
8 speculate is because the testimony, at this point,  
9 from Dr. Batalis offered up the possibility outside of  
10 his strangulation finding in his written report.

11 When questioned from examination about her  
12 history of seizures and admittedly, he said quite  
13 forthright, I'm not all too familiar with the tonic-  
14 clonic, gran mal seizure syndrome and what that  
15 involves, but some of the same conditions, in  
16 particular, the petechiae that he found within her  
17 eyes can occur as a result of seizures. And so, that  
18 calls into question his findings and I just use that  
19 as a point to illustrate where we feel like the Jury  
20 will be speculating. Thank you, Your Honor.

21 THE COURT: Okay. Well, I don't think there's  
22 been any testimony that the grand mal seizure or  
23 anything like that would cause the marks on or the  
24 injuries around the throat.

25 So, I'm going to deny your motion for a directive

1 verdict and I will note your objection to that ruling  
2 and I guess, just for the record, you're renewing all  
3 your motions that you've made earlier and I'm  
4 maintaining my decisions on those.

5 MS. CAMPBELL: Thank you, Your Honor.

6 THE COURT: Now, Ms. Campbell, are we ready for  
7 me to ask him about testifying?

8 MS. CAMPBELL: Yes.

9 THE COURT: Mr. King, I've gone over with you  
10 about whether or not you want to testify and we've  
11 taken a break so that you can spend some time and talk  
12 to your attorney about that a little bit longer.  
13 Is that correct?

14 MR. KING: Correct.

15 THE COURT: Do you have any questions that you  
16 want to ask me?

17 MR. KING: No.

18 THE COURT: Okay. Have you decided whether or  
19 not you wish to testify in this case?

20 MR. KING: I have.

21 THE COURT: You have? Okay. Do you wish to  
22 testify in this case?

23 MR. KING: No, sir.

24 THE COURT: No, sir? Okay. Thank you, sir. I  
25 appreciate it. Ms. Campbell, is the -- I know the

1 Defendant has indicated he is not going to testify.  
2 Does the Defense intend to put up any witnesses  
3 whatsoever?

4 MS. CAMPBELL: We do not.

5 THE COURT: Okay. Then, let me talk to you all  
6 just a minute about what time in the morning you all  
7 want to come back to do the charges and that. What  
8 time? 7:30, 8? What time do you all really want to  
9 come back?

10 MS. CAMPBELL: We're used to about 9:30.

11 THE COURT: 9:30? Okay, that's good. What I'll  
12 do is, I'll excuse the Jury until 9:30. Then if we  
13 can just talk and go over the charges and the verdict  
14 form before we leave today, so that everybody can at  
15 least have that in their plan.

16 MS. CAMPBELL: Your Honor, if we're going to talk  
17 and go over the charge and the verdict form, if there  
18 are any issues with that, will you be putting that on  
19 the record this afternoon or in the morning? What do  
20 you prefer?

21 THE COURT: Kym, do you need to go somewhere in a  
22 hurry?

23 THE COURT REPORTER: No, sir.

24 THE COURT: I think she'll stay here, so we'll  
25 just go ahead and put it on the record.

1 MS. CAMPBELL: That way we'll know tonight.

2 THE COURT: Right. Anything else for the State  
3 before I bring the Jury back in?

4 MS. SWANSON: No, sir.

5 THE COURT: Anything else from the Defendant  
6 before I bring the Jury back in?

7 MS. CAMPBELL: No, Your Honor. I just would say  
8 that procedurally, I understand that I'm going to rest  
9 when the Jury comes back in and if you like, now I can  
10 go ahead and just renew the motion for directive  
11 verdict and all the other motions.

12 THE COURT: What we'll do is, you rest, they'll  
13 leave and then you can put --

14 MS. CAMPBELL: And then we'll do it.

15 THE COURT: That way there won't be any --  
16 hopefully, there won't be any confusion on the record,  
17 but who knows? Right?

18 THE CLERK: The Jury is entering the courtroom,  
19 Your Honor.

20 (Jury enters courtroom.)

21 THE COURT: Thank you, ma'am. Ladies and  
22 Gentlemen, we will now continue the trial with the  
23 Defendant's case. Ms. Campbell?

24 MS. CAMPBELL: May it please the Court, Your  
25 Honor, at this time, the Defense rests.

1 THE COURT: Thank you, ma'am. All right, Ladies  
2 and Gentlemen, you have now heard all of the testimony  
3 that you're going to hear in this case.

4 Because it is 3:00, a little after 3:00 in the  
5 evening and because I've got to sit down with the  
6 attorneys and go over some things regarding the charge  
7 on the law to you all, what I'm going to do is we're  
8 going to come back tomorrow morning at 9:30.

9 You will hear the closing arguments of the  
10 attorneys, you will hear my charge on the law and then  
11 if there are no corrections to my charge on the law by  
12 the attorneys, you will get the verdict form and the  
13 evidence and be told to begin your deliberations, but  
14 until that time, again, you cannot talk about this  
15 case among yourselves, you cannot talk about this case  
16 with anybody else, you cannot do any independent  
17 investigation. Okay?

18 Rather than keep you all here this evening, I'm  
19 going to let you all come back tomorrow morning at  
20 9:30. If you will be in the jury room, I'd appreciate  
21 it. Have a good evening and get some rest. Thank  
22 you.

23 (Jury exits courtroom.)

24 THE COURT: Do you all just want to come back in  
25 the chamber room?



1 MS. CAMPBELL: That's fine, Your Honor, and then  
2 if we need to put anything on the record, we'll come  
3 back?

4 THE COURT: Right. We'll come back.

(Whereupon, the following proceedings were  
held in open court. The Defendant was  
present with his attorney, along with  
counsel for the State.)

5 MS. CAMPBELL: If it please the Court?

6 THE COURT: Yes, ma'am.

7 MS. CAMPBELL: The Defense rested, Your Honor,  
8 and at this stage, I'd like to renew my motion for a  
9 directive verdict and all of the motions made on  
10 behalf of Mr. King during the trial to include the two  
11 mistrial motions at this time and then I would like to  
12 take up the jury charge of the issue.

13 THE COURT: I'll note you are renewing all of  
14 those motions plus emphasizing the two mistrial  
15 motions and the directive verdict and I'm going to  
16 renew my decisions on each one of them, so we'll be  
17 ready to go and now I have what's been marked as  
18 Court's Number 5, which is your request to charge a  
19 variation of the standard charge that you submitted to  
20 me before the trial.

1 MS. CAMPBELL: That is correct, Your Honor. My  
2 understanding is the Court Reporter marked that  
3 Court's Exhibit 5.

4 THE COURT: Yes, ma'am.

5 MS. CAMPBELL: For the record, I'll just say that  
6 some time ago, maybe about a year and a half, two  
7 years ago, I started doing research about how courts  
8 are addressing the language, if the court's charge is  
9 more than reasonable doubt is the kind of doubt that  
10 would cause a reasonable person to hesitate to act.  
11 There's more verbiage than that.

12 What are we charging jurors around the country?  
13 And so in the research that I have done, and I cite in  
14 Court's Exhibit 5, the state of the reasonable doubt  
15 charge around the country and then I provided to Your  
16 Honor a proposed charge that I believe and contend  
17 that is proper, in the sense that the language  
18 currently used in South Carolina of "firmly  
19 convinced," we take the position is improper and  
20 unconstitutional directing the jury only if they are  
21 firmly convinced, you know, so lowering the bar,  
22 lowering the standard of proof, you must find the  
23 defendant guilty, our contention is it's improper or  
24 unconstitutional and prevents the defendant from  
25 obtaining a fair and impartial trial.

1           Thank you, sir.

2           THE COURT: Ms. Campbell, I thought your request  
3 for charge which you accompanied your memo with, I  
4 thought was well written, I enjoyed it. I did ask you  
5 if that last paragraph, "If it does not, you must find  
6 the defendant not guilty," even if you think that  
7 charge is probably true, and even if you think it's  
8 highly probable that the charge is true. I had asked  
9 you if there were any case laws on this and I believe  
10 you indicated that there was none, but you were kind  
11 enough to site a California on-line law reports or on-  
12 line --

13           MS. CAMPBELL: Law review.

14           THE COURT: The decision to change what has been,  
15 to my knowledge, the charge on reasonable doubt, the  
16 law we charge on reasonable doubt, for as long as I've  
17 been practicing law -- to change that is above my pay  
18 grade and so, I'm going to, as I mentioned in  
19 Chambers, I'm not going to charge that last paragraph  
20 or last sentence. I am going to note your objection  
21 to that, so it will be preserved, so people that know  
22 better than me can address it. Okay?

23           MS. CAMPBELL: Thank you, Your Honor.

24           THE COURT: Anything else from the Defense?

25           MS. CAMPBELL: I'll just say on the record,

1 during the charge conference that we just had in  
2 Chambers, again, I take the position with the Court  
3 that based on the record at this point, that  
4 manslaughter and involuntary manslaughter and an  
5 accident were not appropriate charges in this case.  
6 They agreed, the Court agreed with that as well.

7 THE COURT: Right. And what we'll be doing is,  
8 we're going to send you what you believe to be the  
9 final -- my final charge on the law. You all can  
10 review that at your leisure. Then, I'll see -- if  
11 something comes up at 9:30 that we need to discuss, we  
12 can do that first thing in the morning. Okay?  
13 Anything else from the State?

14 MS. SWANSON: Nothing from the State.

15 THE COURT: All right. I'll see you all at 9:30  
16 in the morning. Thank you so much.

17 (Whereupon, at 4:47 p.m. the proceedings were  
18 continued to be resumed the following day without  
19 interruption.)

20 \*\*\*

21 END OF VOLUME II  
22

SOUTH CAROLINA  
BEAUFORT COUNTY

IN THE COURT OF GENERAL SESSIONS  
CIRCUIT COURT DIVISION  
2017-GS-07-00810

-----x  
State of South Carolina, :  
                                :  :  
                Plaintiff,      :  :  
                                :  :  
                vs.              :  :  
                                :  :  
                                :  :  
                                :  :  
Dale Eugene King,              :  :  
                                :  :  
                Defendant.      :  :  
-----x

TRANSCRIPT OF TRIAL  
VOLUME III  
PAGES 259 - 311

December 11, 2019  
Beaufort, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge Presiding.

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## I N D E X

|                                  |     |
|----------------------------------|-----|
| PROCEEDINGS                      | 261 |
| CLOSING ARUGMENT BY MS. SWANSON  | 264 |
| CLOSING ARUGMENT BY MS. CAMPBELL | 268 |
| READING OF THE VERDICT           | 300 |
| SENTENCING HEARING               | 309 |
| PROCEEDINGS CONCLUDED            | 310 |
| CERTIFICATE OF REPORTER          | 311 |

P R O C E E D I N G S

\* \* \*

BEAUFORT, SOUTH CAROLINA

(Whereupon, the following proceedings were held in open court. The Defendant was present with his attorney, along with counsel for the State.)

1 THE COURT: All right. Where are we?

2 Ms. Campbell, I know you just sent an email about  
3 mere presence that you wanted to talk about?

4 MS. CAMPBELL: May it please the Court, I am  
5 requesting a charge on mere presence for my client  
6 pursuant to State v. Kimbell, 209SC-439. It's a 1946  
7 case that basically it says its error to refuse a  
8 requested charge on an issue that's raised by the  
9 indictment and the evidence presented at trial.

10 I know that the State's position would be that it  
11 only would apply to the conflict of liability cases.  
12 However, we believe that the evidence as it stands  
13 now, would allow for this charge since the record is  
14 completely void of any evidence that Dale King and  
15 Veronica King were the only occupants of Room 233 from  
16 10 p.m. that night to 8 a.m. in the morning. That's  
17 an unanswered question. There's no evidence in the  
18 record that they were the only ones in the room, in or

1 out of the room.

2 THE COURT: I thought there was testimony that  
3 Mr. King said that he went to bed at 11:00 or  
4 something like that and woke up at 8:00 in the morning  
5 and that everybody had left before then.

6 MS. CAMPBELL: He did.

7 MS. SWANSON: And that the door was secured and  
8 that came from Mr. King's own statements made to Josh  
9 Dowling, so I do want to clarify that because that  
10 would be a mischaracterization of the testimony.

11 MS. CAMPBELL: And again, I would need to review  
12 my notes, but I do not recall during the trial,  
13 Officer Dowling testifying to that. I recall him  
14 testifying to that pretrial, but not on direct  
15 examination during the trial itself.

16 THE COURT: Well, the mere presence charge says  
17 that the Defendant's presence where a crime is being  
18 committed, association with the person who commits the  
19 crime, does not make him accomplice or enabler or  
20 indebtor of the person committing the crime as  
21 charged.

22 Ms. Campbell, that doesn't seem to go along with  
23 any fact situation. What I did is, I copied our  
24 standard charge, if you wanted me to make that a  
25 Court's Exhibit.



1 MS. CAMPBELL: Please.

2 THE COURT: All right. I'll make our standard  
3 charge a Court's Exhibit. I'm not going to charge  
4 mere presence, because I don't believe it fits the  
5 fact situation or the possible fact situations that  
6 have been brought to the Court's attention and I think  
7 charging mere presence would be very confusing to the  
8 Jury.

9 So, I'm going to have mere presence, the standard  
10 charge, made into a Court's Exhibit. I'm going to  
11 deny your request to charge that because I don't think  
12 it applies in the case and I'm going to note your  
13 objection to my ruling so it will be preserved.

14 MS. CAMPBELL: Thank you.

15 THE COURT: I think we did everything we can.

16 MS. CAMPBELL: Yes, sir.

17 THE COURT: All right. Is the State ready to  
18 proceed?

19 MS. SWANSON: The State's ready.

20 THE COURT: Now, the State is going to go  
21 completely in full, right?

22 MS. SWANSON: Correct.

23 THE COURT: All right.

24 One of you all bring the Jury in.

25 THE CLERK: The Jury is entering the courtroom,

1 Your Honor.

2 (Jury enters courtroom.)

3 THE COURT: Thank you, ma'am.

4 Good morning, Ladies and Gentlemen. We'll get  
5 ready to complete the trial today. We're going to  
6 have the closing arguments of the attorneys. Then I  
7 am going to give you all a mini class in law school.  
8 I'm going to charge you all on the law and then we'll  
9 get ready for you all to begin your deliberations.

10 Again, as I reminded you all before, until you  
11 get the word that you should begin your deliberations  
12 in this case, you cannot begin talking about this  
13 case, even among yourselves, until you get the word  
14 that you can begin doing that. Okay?

15 Ms. Swanson, is the State ready?

16 MS. SWANSON: The State is ready. Thank you,  
17 Your Honor.

18 \*\*\*

19 CLOSING ARGUMENT BY MS. SWANSON

20 \*\*\*

21 MS. SWANSON: You know that saying that nobody  
22 knows what happens behind closed doors? That's not  
23 always true, because we know exactly what happened in  
24 Room 233 of the Atlantic Inn back in May of 2017.  
25 Dale King finally did it. This was no question about

1     that.

2             This was no mistaken diagnosis by Dr. Batalis.  
3     It was an intentional strangling, and Veronica King  
4     died naked and afraid in her most vulnerable state.  
5     Dale, her husband of 35 years, made sure that the only  
6     way she was going to leave was in a body bag.

7             Now, it was just shy of two months before that  
8     that their daughter Naomi had crouched in the bathroom  
9     of that same hotel room calling 911 to report domestic  
10    violence.

11            Things had gotten that bad. This has not been a  
12    long trial and I know you guys have been paying  
13    attention to the witnesses and their testimony, so I  
14    don't want to stand up here for too long and beat a  
15    dead horse.

16            I just want to remind you of a few things. You  
17    first heard from Battalion Chief, Matt Bowsher, who  
18    was the first person on the scene and immediately,  
19    Dale King told him, "Oh, my wife had a problem with  
20    seizures." That is where the information from  
21    seizures comes from, the guy that's on trial for  
22    murdering his wife. He planted that seed at the very  
23    beginning. The family didn't know about any history  
24    of seizures. There was no seizure medication in that  
25    room and most importantly, you heard Dr. Batalis

1 testify that there was no evidence that a seizure  
2 killed Veronica.

3       It was the force of the strangulation around her  
4 neck that was the cause of her death. Because, I'm  
5 not sure how much Dale thought about this, but  
6 domestic violence leaves marks inside and out. The  
7 hemorrhaging on the six muscles out of the ten that  
8 Dr. Batalis examined. The bruising on the outside of  
9 the neck, the contusions on her head, multiple impact  
10 spots of blunt force trauma. Seven to eight. The  
11 abrasion on the small of her back along with the  
12 bruising along the spine where he probably drug her  
13 across the floor during the assault.

14       But he didn't even stop with the seizure story.  
15 That wasn't the only story that he told because even  
16 later that morning, he's telling his brother-in-law  
17 that Ronny hit her head in the shower. This, after he  
18 has just given his first interview to Investigator  
19 Dowling, which said, "I went to bed at 11, after our  
20 guests left and I woke up at 8 and there she was,  
21 dead." Didn't call 911. Had no idea what happened to  
22 her. Does it sound like Dale is hiding the truth?

23       Is that even plausible? Well, over the course of  
24 several conversation with Jerome Bates, Dale told him  
25 several different stories and even seemed to come

1 close to the truth at times, saying, "What was I  
2 thinking? What did I just do? I am going to have to  
3 live with this for the rest of my life. I wish she  
4 didn't make her head so hard. She just wouldn't  
5 listen to me."

6 So, what does Dale tell the Police in his second  
7 interview, well, he finally admits that they were  
8 arguing and that he hit her across the face. Of  
9 course, there's no explanation for any of the other  
10 injuries, multiple, multiple indicators of abuse.

11 But here we have another trace of the truth.  
12 Unfortunately, the whole truth is that Dale and  
13 Veronica had a very toxic, sick and ultimately deadly  
14 relationship. Dale killed his wife with his bare  
15 hands, and it is time that he finally be held  
16 responsible for putting Veronica through this. Today  
17 is his day in court but it's also Veronica's and her  
18 family's. It's time that justice prevailed. It is  
19 time that Dale King is convicted of this murder. I am  
20 asking you to do that. I am asking you to do your job  
21 as Jurors, having listened to the facts during the  
22 witness stand, apply those facts to the law that Judge  
23 Dickson provides you and find this man guilty. Thank  
24 you.

25 THE COURT: Thank you, Ms. Swanson. Ms.

1 Campbell?

2 MS. CAMPBELL: May it please the Court?

3 THE COURT: Yes, ma'am.

4 \*\*\*

5 CLOSING ARGUMENT BY MS. CAMPBELL

6 \*\*\*

7 MS. CAMPBELL: Good morning. One of my favorite  
8 television shows in recent years has been a show on  
9 PBS. I just love it. It's the show about Sherlock  
10 Holmes. This particular literary character came to  
11 life many, many years ago with the writings of Sir  
12 Arthur Conan Doyle.

13 So, there's a lot of quotes, if you will, and one  
14 of the main ones focuses on what we're looking at  
15 today, what you're looking at, which is circumstantial  
16 evidence. Circumstantial evidence, that author tells  
17 us, is a very tricky thing. It may seem to point to  
18 one thing, but if you shift your view ever so  
19 slightly, you find it pointing in an equally  
20 uncompromising and just something entirely different.  
21 And according to Doyle, there's just nothing more  
22 deceptive than an obvious fact.

23 What the State of South Carolina, yesterday,  
24 strung together in a series of pieces of  
25 circumstantial evidence to create, essentially, a

1 chain necklace that they have tried to hook around  
2 Dale King and tell you that Dale King is a murderer  
3 and it's your job to pull that chain tight, come back  
4 in here and return a verdict of guilty.

5 His Honor will tell you and the law is, mere  
6 suspicion is never sufficient to convict a man.  
7 Speculation falls short as well. As I said when we  
8 first met, each individual one of you, you each have  
9 your chair. You're not seated on the benches like we  
10 have here in the courtroom. There's an individuality  
11 to you. You bring your life experiences to this case.  
12 You bring that to your deliberations. No one seat  
13 more important than the other. Each man, each woman,  
14 deliberating together on this grave matter.

15 Do not allow -- please do not allow the State to  
16 come in here and throw out what is characterized as  
17 bad conduct, bad character evidence, and cast you  
18 astray from the facts of the case, because when the  
19 State comes in here and brings Bessie and her husband,  
20 Jerome, and Naomi and they come in here and they try  
21 to paint this picture of this 35 year marriage as some  
22 sort of abusive -- I think she used the word toxic  
23 relationship.

24 You should focus on the weak link in a  
25 circumstantial evidence case. Weak links can't be the

1 kind of evidence that is used to convict a man of  
2 murder in your county, because here's the thing, it's  
3 our county. It's a slippery slope for all of us  
4 because the foundation, the concrete under our feet  
5 today, a crack in that concrete affects everyone of  
6 us, the next man or the next woman who sits at that  
7 table can't enjoy and have the knowledge that the  
8 foundations of our constitution are upheld.

9 We all suffer when the State comes in here and  
10 says to the Jury, "Here, take this sloppy, half done,  
11 half investigation, half of a trial and convict this  
12 fellow citizen." It's a failure to investigate.  
13 Dowling knew -- here's the thing, don't tell me some  
14 facts that aren't true. Dowling knew -- Dale, of  
15 course, he told them, "Hey, my wife suffers from" --  
16 he told the first officer, "My wife suffers from  
17 seizures." But you know who else told the police  
18 that? Mr. Patel. He'd known him for seven years when  
19 they talked to him.

20 Dale's not the only one who knew about her severe  
21 seizures. Mr. Patel told you, "Yeah, I told them  
22 that. He told you that." He also said, you know, I  
23 knew she'd fallen before floor when she tried to take  
24 a shower when she was intoxicated, and she hurt  
25 herself. Don't do absolutely nothing.



1           You are the investigator. You don't call the  
2 doctors, you don't get a search warrant to go get the  
3 medical records, you just do nothing. And then the  
4 failure to present a whole case.

5           So, you heard about Robert Frazier, you heard  
6 about Paul Watts. These fellows were over there  
7 drinking with Dale and Veronica that night, so you  
8 have no real idea, at this point, who came and went,  
9 when they came and went. Did Veronica King leave?  
10 Did Robert or Paul come back?

11           Now, if you're unclear about any of this,  
12 factually, the Court Reporter can play that testimony  
13 back for you, if there's some disagreement or concern  
14 as to what was said.

15           Because here's the thing, again, back to the half  
16 investigation, we live in a surveillance world. You  
17 know the Atlantic Inn had surveillance to show you in  
18 a full investigation, who came and went, when they  
19 came and went, who had access to that room, and we  
20 don't have it. You ought to have it, but you don't.  
21 You don't even look for it.

22           Fingerprints, who was in that room that night?  
23 Blood spots, "Oh, I did a review with just my  
24 eyesight. That's all I needed." And how about, you  
25 know, hotels are high traffic areas. How about go

1 talk to the neighbors. What did they hear? Who did  
2 they see?

3 No, we'll just leave it like this. Dale King --  
4 and here's the critical point on how can you trust?  
5 Dale King was highly intoxicated that night and into  
6 the next day and how do you know that? You know that  
7 because Jerome, Jerome Bates came in here, he has no  
8 reason to lie and his determination was, "highly  
9 intoxicated."

10 When I asked Officer Dowling about it, "Oh, no.  
11 He wasn't intoxicated at all." That is perfect,  
12 because he'd taken Dale down to the Beaufort Police  
13 Department and he's trying to commit him to some  
14 version of the facts while he's under the influence of  
15 alcohol and highly intoxicated.

16 That is not professional behavior. That's not  
17 what should happen to our citizens. You have a total  
18 of over four hours of video tape of Dale sitting there  
19 talking it out with Dowling and Raley. It's in the  
20 State of South Carolina's possession and then they  
21 come in here, they say to you, "Let me cherry pick  
22 what sounds good. Let me call out what I think holds  
23 up my theory." What are they keeping from you? What  
24 do they not want you to see in the video?

25 You can ask yourself that question and you

1 should. Why? Because in this country, in this  
2 county, we citizens, we never shift the burden of  
3 proof of guilt to an accused. So, you can't say to  
4 yourself, "Woah, why didn't Dale show me the video?  
5 Why didn't Dale bring me bring me some witnesses"?

6       You have to base your decision -- it can't even  
7 enter your mind. You have to base your decision only  
8 on what the State chose to give you and what they did  
9 not. Our Judge will instruct you on the law that the  
10 fact that Dale, just like everyone in this room right  
11 now, seated at that table, may choose not to present  
12 evidence, including getting up here and saying again,  
13 "I didn't kill my wife."

14       No man, no woman could or should be forced, have  
15 to come in here into a court and try to prove that  
16 they're innocent. The founding fathers of this  
17 country, they knew this. They made it the law and the  
18 law still holds today. All men are presumed innocent  
19 and no man is called to prove he did not commit a  
20 crime.

21       And again, say to yourself when you're talking to  
22 the other Jurors, this is a homicide investigation.  
23 You knew from the start this was a homicide  
24 investigation. There was not some lag time and you  
25 don't go and you don't talk to the people who were in

1 the Atlantic Inn that night? You don't look at the  
2 surveillance footage? You don't put it in evidence if  
3 you have it?

4 And ask yourselves, where's Robert Frazier,  
5 where's Paul Watts, where were they that night? What  
6 is their relationship to Veronica? Proof of guilt  
7 beyond a reasonable doubt is the standard and make no  
8 mistake, today you are the anchor that must hold the  
9 State of South Carolina accountable and stand firm in  
10 the rule of law and the presumption of innocence.

11 A full and fair investigation, a thorough  
12 investigation, every man in this courtroom, every  
13 woman in this courtroom, for our family, for our  
14 friends, we ought to be able to say, "You know, if I  
15 had been in Room 233, I would have gotten a full and  
16 fair investigation." Jerome Bates told you, Dale was  
17 grieving. Bessie Bates told you, "We brought him back  
18 to our home. We sheltered him. He's family."

19 They didn't call Dowling. They didn't call  
20 Fraley and say, "Hey, this man's abusive. This man's  
21 a killer. This man has been beating up on her." No,  
22 they didn't do that. After the fact, when it starts  
23 to -- "Oh, yeah, we might need this," because we  
24 didn't do this investigation properly.

25 Nobody jumped to that point. No suspicions of

1 Dale and none of the five daughters, they didn't call,  
2 they didn't come in and say, "Oh, you know, he did it.  
3 You need to looky, looky there at Daddy." No!  
4 There's a photograph that the State put in evidence  
5 amid all the photographs of the beer and the disarray  
6 in the room and, you know, the phrase is, "A picture  
7 is worth a thousand words," and you'll have this in  
8 your jury room. What a special dad you are. Best dad  
9 in the world.

10 This is what's on their counter. These are the  
11 sentiments, before others get involved, that's true in  
12 that family and yes, can the medical examiner be  
13 wrong? Absolutely. You are the final say-so on what  
14 you believe about the medical examiner's testimony.  
15 He used words like, "maybe," and "could," several  
16 times when challenged.

17 And if you need to hear him again you can.  
18 There's a clear overlap from the tonic clonic seizure  
19 injuries and many of his notations about Veronica  
20 King.

21 Now, as I begin to close, I will say to you, if  
22 you don't have every piece that's necessary to put  
23 together a puzzle, that's reasonable doubt. There are  
24 ways to determine who had the last physical contact  
25 with Veronica. You know why? Because if somebody is

1 strangling you, you're going to be trying to stop them  
2 and that's why the ME took the nail clippings and you  
3 what this half investigation did?

4 Well, they just left them in evidence. "We're  
5 not going to try to find out who she scratched." No,  
6 no, we're just going to leave that undone. Again,  
7 the State of South Carolina stands up here, calls Dale  
8 names, tells you he's a murderer on a half  
9 investigation, on a half-done trial on generalizations  
10 about his character.

11 The best dad in the world. And, you know, the  
12 Judge is going to tell you, motive -- for you to find  
13 him guilty of murder, you have to find malice and  
14 that's the finding of an evil heart, hell-bent on  
15 wrong doing. A kind of blackness, the evil that's  
16 required to commit murder.

17 You have to find that beyond a reasonable doubt  
18 and if there's any aspect of hesitation on malice,  
19 then that's not guilt.

20 The last thing that I would say to you, there's  
21 an old ancient, can be traced through many parts of  
22 literature and culture, but the origins of it they say  
23 comes from a Jewish tradition and saying and teaching  
24 about life and how to judge one another and it says,  
25 "If we punish on the strength of presumption and

1 supposition and suspicion, it may be that one day we  
2 will convict an innocent person and it is far better  
3 and more satisfactory to acquit a thousand guilty  
4 persons than to put one single innocent man in  
5 shackles."

6 I believe, at the conclusion of your  
7 deliberations, when you sit down and you take your  
8 vote and you each take your pen and your pad and you  
9 write your decision and you tear it off and you fold  
10 it up and you hand it down to your foreperson, that  
11 they will say, not guilty. Thank you.

12 JURY CHARGE

13 \*\*\*

14 THE COURT: Thank you, Ms. Campbell. Madame  
15 Forelady, Ladies and Gentlemen of the Jury, you've  
16 heard the evidence and the arguments of the attorneys.  
17 I will now explain the law which you will apply in  
18 this case.

19 You and I have specific duties to perform. As a  
20 trial judge, it is my responsibility to preside over  
21 the trial and it is your responsibility to consider  
22 the testimony which has been presented from this  
23 witness stand and from the exhibits that were  
24 introduced during the trial.

25 I have the duty to charge you the law that you

1 are to apply in this case. As the presiding judge, I  
2 am the sole judge of the law and it is your duty as  
3 Jurors to accept the law as I now state it to you. If  
4 you already have any idea as to what the law is or  
5 what the law ought to be and it does not agree with  
6 what I now tell you the law is, you must abandon this  
7 idea, because you are sworn to accept the law and  
8 apply the law exactly as I state it to you.

9 Your duty is to determine the facts. In every  
10 case, the jury is sole and exclusive judge of the  
11 facts. A trial judge cannot suggest, state, comment  
12 on, or make any statement to a trial jury about the  
13 facts. Since you, the Jury, are the sole judge of the  
14 facts, you are not to infer from what I have said  
15 during the progress of this trial in ruling upon the  
16 admissibility of evidence or otherwise or anything  
17 that I say now during the course of these instructions  
18 to you, that I have any opinion about the facts.

19 The law does not allow me to have an opinion  
20 about the facts. This is a matter solely for you, the  
21 Jury, to determine. As Jurors, it is your duty to  
22 determine the effect, values, weight and truth of the  
23 evidence presented during this trial.

24 This indictment charges the Defendant with the  
25 crime of murder. The fact that the Defendant was



1 arrested, charged and indicted in this case, is not  
2 evidence and cannot be considered by you as evidence  
3 of guilt in this case, nor does it create any  
4 presumption or inference of guilt. This indictment is  
5 simply the formal, written instrument which contains  
6 the charge made against the Defendant. It is a formal  
7 document by which this case is brought into this  
8 Court.

9 The Defendant has pled not guilty to this  
10 indictment and that plea puts the burden on the State  
11 to prove the Defendant guilty beyond a reasonable  
12 doubt. A person charged with committing a criminal  
13 offense in South Carolina is never required to prove  
14 himself innocent.

15 I charge you that it is an important rule of law  
16 that the Defendant in a criminal trial, no matter how  
17 serious the charge may be, is always presumed innocent  
18 of the crime for which the indictment was issued,  
19 unless guilt has been proven by evidence satisfying  
20 you of that guilt beyond a reasonable doubt. This  
21 presumption of innocence does not end when you begin  
22 your deliberations. It accompanies the Defendant  
23 throughout the trial until you reach a verdict of  
24 guilt based on evidence satisfying you of that guilt  
25 beyond a reasonable doubt.

1           The presumption of innocence is like a robe of  
2     righteousness placed about the shoulders of the  
3     Defendant. This presumption of innocence remains with  
4     the Defendant until it has been stripped from him by  
5     evidence satisfying you of the Defendant's guilt  
6     beyond a reasonable doubt.

7           The presumption of innocence is not mere legal  
8     theory. It is not just a legal phrase. It is a real  
9     and substantial right to which every Defendant is  
10    entitled, unless you, the Jury, are satisfied from the  
11    evidence of the Defendant's guilt beyond a reasonable  
12    doubt.

13          I instruct you and emphasize to you that the fact  
14    that the Defendant did not testify is not a factor to  
15    be considered by you in any way in your deliberation  
16    and in your consideration on the question of the guilt  
17    or innocence of the Defendant. It must not be  
18    considered by you in any manner whatsoever. A  
19    Defendant has the constitutional right to remain  
20    silent and the assertion of this right is not to be  
21    considered by you in any way in your deliberations.

22          I repeat, under your oath you are to draw no  
23    conclusion whatsoever from the fact that the Defendant  
24    in this case did not testify. The fact that a  
25    Defendant did not testify should not even be discussed

1 in the jury room. The burden of proof as I have  
2 stated before, is on the State. The Defendant is not  
3 required to prove his innocence. The burden of proof  
4 is on the State to prove guilt beyond a reasonable  
5 doubt.

6 You have heard evidence that the Defendant  
7 committed a bad act that did not result in a  
8 conviction. This evidence may be considered by you if  
9 you conclude it is true only in deciding whether the  
10 testimony is believable and for no other purpose. The  
11 State must prove the Defendant committed the prior bad  
12 act by clear and convincing evidence.

13 Clear and convincing evidence is that degree of  
14 proof which will produce in the mind of the tryer of  
15 fact, a firm belief as to the allegations sought to be  
16 established. Such proof is intermediate, more than a  
17 mere preponderance of evidence, but less than is  
18 required for proof beyond a reasonable doubt. It does  
19 not mean clear and unequivocal.

20 Additionally, you must not consider the  
21 Defendant's prior acts as any evidence of the  
22 Defendant's guilt of the charge that we are trying  
23 today.

24 A statement alleged to have been made by the  
25 Defendant has been admitted into evidence in this

1 case. While the Court has determined that the  
2 statement is admissible, I instruct you that you make  
3 the ultimate decision of whether or not the Defendant  
4 made this statement. If the Defendant did make the  
5 statement, you must determine whether the statement  
6 was made by the Defendant voluntarily and of his own  
7 free will.

8 This means that the statement was not caused by  
9 pressure, force, fear, threats, coercion or  
10 intimidation or by hope or a promise of leniency or a  
11 reward of any kind. In determining whether the  
12 statement was voluntary, you should consider both the  
13 characteristics of the Defendant and the details of  
14 the questioning.

15 Some of the factors you must consider are the age  
16 of the Defendant, the Defendant's education or lack of  
17 education, the Defendant's mental ability or capacity,  
18 the Defendant's IQ or intelligence, the Defendant's  
19 background and environment, the place and length of  
20 detention, the nature of the questioning and the  
21 advice or lack thereof to the Defendant of his  
22 constitutional rights, including but not limited to,  
23 the right to remain silent, that any statement could  
24 be used against him in a court of law, the right to  
25 have a lawyer present, that if he could not afford a

1 lawyer, a lawyer would be appointed to represent him  
2 without any cost and that he could stop making a  
3 statement at any time.

4 You must carefully consider all of the  
5 surrounding circumstances before you give any weight  
6 to an alleged statement.

7 The State has the burden of proving beyond a  
8 reasonable doubt that the alleged statement was  
9 voluntary. If you determine it was, you may give the  
10 statement any further consideration that you deem  
11 proper. You must decide what weight, if any, should  
12 be given to the alleged statement.

13 If you determine the alleged statement was not  
14 the free and voluntary statement of the Defendant, you  
15 should not consider the statement at all.

16 What is reasonable doubt in the law? A  
17 reasonable doubt is the kind of doubt that would cause  
18 a reasonable person to hesitate to act. The State has  
19 the burden of proving the Defendant guilty beyond a  
20 reasonable doubt. Some of you may have served as  
21 jurors in civil cases where you were told that it is  
22 only necessary to prove that a fact is more likely  
23 true than not true, such as a slight tipping of the  
24 weight or a preponderance of the evidence.

25 Our civil cases use the clear and convincing

1 evidence standard. In those cases, it is necessary to  
2 prove that the proof of something is highly probable,  
3 but this is a criminal case and the State's proof must  
4 be more powerful than those burdens of proof.

5 The State's proof must be beyond a reasonable  
6 doubt. Proof beyond a reasonable doubt is proof that  
7 leaves you firmly convinced of the Defendant's guilt.  
8 There are very few things in this world that we know  
9 with absolute certainty and in criminal cases, the law  
10 does not require proof that overcomes every possible  
11 doubt.

12 Based on your consideration of the evidence, if  
13 you are firmly convinced that the Defendant is guilty  
14 of the crime charged, you must find the Defendant  
15 guilty. On the other hand, if you think there is a  
16 real possibility that the Defendant is not guilty, you  
17 must give the Defendant the benefit of every  
18 reasonable doubt and find him not guilty.

19 Necessarily, you must determine the credibility  
20 of the witnesses who have testified. Credibility  
21 simply means believability. It is your duty as Jurors  
22 to analyze and to evaluate the evidence and determine  
23 which evidence convinces you of its truth. In  
24 determining the believability of witnesses who have  
25 testified in this case, you may believe one witness

1 over several witnesses or several witnesses over one  
2 witness. You may believe a part of the testimony of a  
3 witness and reject the remaining part of the testimony  
4 of that same witness. You may believe the testimony  
5 of a witness in its entirety or reject the testimony  
6 of a witness in its entirety. You may consider  
7 whether any witness has exhibited to you any interest,  
8 bias, prejudice or other motive in this case. You may  
9 also consider the appearance and manner of a witness  
10 while on the witness stand.

11 The rules of evidence ordinarily do not permit  
12 witnesses to testify to opinions or conclusions. An  
13 exception to this rule exists for witnesses we call  
14 expert witnesses. A witness who by education and  
15 experience has become expert in some art, science,  
16 profession or calling may state an opinion as to a  
17 relevant and material matter in which the witness  
18 claims to be an expert and may also state the reasons  
19 for that opinion. You should consider any expert's  
20 opinion received in evidence in this case and like any  
21 other evidence, give it the weight you think it  
22 deserves. If you decide that the opinion of an expert  
23 is not based on sufficient education and experience or  
24 if you conclude that the reasons given in support of  
25 the opinion are not sound or that the opinion is

1 outweighed by other evidence, you may disregard the  
2 opinion entirely. An expert witness's testimony is to  
3 be given no greater weight than that of other  
4 witnesses simply because the witness is an expert.  
5 You are not required to accept an expert's opinion  
6 even though it is uncontradicted.

7 In order to establish criminal liability,  
8 criminal intent is required. For example, the mental  
9 state required to be proven by the State for a  
10 particular crime might be purpose, intent, knowledge,  
11 recklessness or criminal negligence.

12 Criminal intent must be proven by the State  
13 beyond a reasonable doubt. Criminal intent is always  
14 a matter that must be determined by the Jury from the  
15 circumstances existing at that time. There is no way  
16 to prove intent to a mathematical certainty. There is  
17 no way medical science can dissect a person's brain  
18 and determine what that person had in mind, so the law  
19 says that criminal intent may be inferred from the  
20 circumstances shown to have existed. This is how you  
21 make a determination of whether or not the elements  
22 requiring intent were present.

23 It is not necessary to establish intent by direct  
24 or circumstantial evidence, but intent may be  
25 established by inference in the same way as any other



1 evidence by taking into consideration the acts of the  
2 parties and all the facts and circumstances in the  
3 case.

4 Criminal intent is the mental state of a  
5 conscious wrongdoing. It is up to you to determine  
6 what the Defendant intended to do based on the  
7 circumstances shown to have existed. Criminal intent  
8 can arise from an action or a failure to act. It may  
9 arise from negligence, recklessness or indifference to  
10 duty or the consequences that are considered by the  
11 law to be the equivalent of criminal intent.

12 There are two types of evidence which are  
13 generally presented during a trial, direct evidence  
14 and circumstantial evidence. Direct evidence is the  
15 testimony of a person who claims to have actual  
16 knowledge of a fact, such as an eyewitness. It is  
17 evidence which immediately establishes the main fact  
18 to be proved.

19 Circumstantial evidence is proof of a chain of  
20 facts and circumstances indicating the existence of a  
21 fact. It is evidence which immediately establishes  
22 collateral facts from which the main facts may be  
23 inferred. Circumstantial evidence is based on  
24 inference and not on personal knowledge or  
25 observation.

1           The law makes absolutely no distinction between  
2 the weight or value to be given to either direct or  
3 circumstantial evidence. Nor is a greater degree of  
4 certainty required of circumstantial evidence than of  
5 direct evidence. You should weigh all of the evidence  
6 in this case. After weighing all of the evidence, if  
7 you are not convinced of the guilt of the Defendant  
8 beyond a reasonable doubt, you must have the Defendant  
9 not guilty.

10           The Defendant is charged with murder. The State  
11 must prove beyond a reasonable doubt that the  
12 Defendant killed another person with malice  
13 aforethought. Malice is hatred, ill-will or hostility  
14 towards another person. It is the intentional doing  
15 of a wrongful act without just cause or excuse and  
16 with an intent to inflict an injury or under  
17 circumstances that the law will infer an evil intent.  
18 Malice aforethought does not require that the malice  
19 exists for any particular time before the act is  
20 committed, but malice must exist in the mind of the  
21 Defendant just before and at the time the act is  
22 committed.

23           Therefore, there must be a combination of the  
24 previous evil intent and the act. Malice aforethought  
25 may be expressed or inferred. These terms, expressed

1 and inferred, do not mean different kinds of malice  
2 but merely the manner in which the malice may be shown  
3 to exist; that is, either by direct evidence or by  
4 inference from the facts and circumstances which are  
5 proved.

6 Express malice is shown when a person speaks  
7 words which express hatred or ill will for another or  
8 when the person prepared beforehand to do the act  
9 which was later accomplished. For example, lying in  
10 wait for a person or any other act of preparation  
11 going to show that the deed was within the Defendant's  
12 mind with the expressed malice.

13 Insanity caused by the use of drugs or alcohol  
14 may be a defense if the insanity is permanent and  
15 destroys the Defendant's ability to know right from  
16 wrong. However, when voluntary intoxication has not  
17 produced permanent insanity, it is not a defense to a  
18 crime. A person who voluntarily becomes intoxicated  
19 is just as responsible for the acts committed while  
20 intoxicated as when the person is not intoxicated.

21 I have declared the law to you through these  
22 instructions to help guide you to a verdict. Whether  
23 some of these instructions apply will depend upon what  
24 you find to be the facts. The fact that I have  
25 instructed you on various subjects in this case should

1 not be taken as indicating the opinions of this Court  
2 as to what you should find the be the facts or to what  
3 your verdict should be. Your verdict must represent  
4 the considered judgment of each Juror.

5 In order to return a verdict, it is necessary  
6 that each Juror agree. Your verdict must be  
7 unanimous. All twelve of you must agree on the  
8 verdict. Your verdict cannot be based on sympathy,  
9 passion, prejudice, emotion or any other consideration  
10 not in evidence in this case.

11 Remember at all times, you are not partisans  
12 favoring one party over another. You are the judges  
13 of the facts. Your sole purpose is to determine  
14 whether the State has proven the Defendant's guilt to  
15 the charge of murder beyond a reasonable doubt from  
16 the evidence that has been presented to you in this  
17 case.

18 This is the verdict form. Madame Forelady, this  
19 is the verdict form and the verdict form gives you  
20 just a little bit of background, tells you where we  
21 are, State of South Carolina, County of Beaufort. It  
22 tells you that we are in Court of General Sessions,  
23 which is Criminal Court. It identifies the  
24 indictment. It tells you that this is the State of  
25 South Carolina versus Dale Eugene King, who is the

1 Defendant and this is the verdict form. You have one  
2 question to decide. It says, "Please circle the  
3 appropriate verdict below and follow the accompanying  
4 instructions carefully," and the only question you  
5 have is, "We, the Jury, unanimously find the  
6 Defendant, Dale Eugene King, as to the charge of  
7 murder," and then you will circle either guilty or not  
8 guilty.

9 It's got to be a unanimous decision. Once you  
10 have done that, Madame Forelady, you will sign the  
11 bottom of the form and you will date this verdict  
12 form. Okay? Now, I have told you all -- I know you  
13 are probably sick of me telling you this, but you all  
14 cannot begin your deliberations yet.

15 The reason you can't begin your deliberation  
16 right now is -- I've given you that mini law school  
17 course. It lasted probably 25 minutes, you know, so  
18 you've got 25 minutes of credits toward a law degree  
19 now. Okay?

20 Now, the attorneys paid attention to what I say,  
21 and I could misstate something, or I could have left  
22 something out and so, after you leave the courtroom,  
23 they will tell me that. If I have to correct  
24 something, I will bring you back in here and I will  
25 read the correction. I will not read everything

1 unless I really messed up. But I will come back in  
2 and just read the part that needs to be corrected.

3 While you go back into the jury room now, you  
4 can't begin your deliberations, because you -- the  
5 exhibits and this verdict form will come back into the  
6 jury room and when it comes back into the jury room,  
7 the bailiff will tell you at that time you can begin  
8 your deliberations and that's the only time -- that's  
9 when you start.

10 Now, Madame Forelady, you are in charge in the  
11 jury room to make sure everybody has their say so  
12 about this. Okay? If you have any questions, you  
13 will write out a note and tell me what they are.  
14 Hopefully, you won't have any questions, but that does  
15 happen, so don't -- if you have a question, send it  
16 out.

17 When you reach a verdict in this case, if you'll  
18 notify the bailiff, she will notify us that you all  
19 have reached a unanimous verdict.

20 Now, you all have been very attentive. I  
21 appreciate everything that you all have done so far.  
22 The hard work for you all begins now. I'm going to  
23 let you all go back into the jury room. Let me talk  
24 to the attorneys and we'll be back when all of the  
25 evidence and exhibits have been reviewed.

1           You may now go to your jury room. We will be  
2 back with you in just a minute.

3           (Jury exits courtroom.)

4           THE COURT: Anything from the State about the  
5 instructions charged?

6           MS. SWANSON: Nothing from the State.

7           THE COURT: Anything from the Defense?

8           MS. CAMPBELL: Not about the charge. I do have  
9 an objection to a portion of Ms. Swanson's closing and  
10 I'm making that objection at the first available  
11 opportunity at the break, rather than to interrupt her  
12 and the flow of closing and charge, Your Honor.

13          THE COURT: Okay.

14          MS. CAMPBELL: I can do that after you get the  
15 Jury started or I can do it now, however you prefer.

16          THE COURT: Let's go ahead and get the Jury  
17 started, if you don't mind. If you don't have any  
18 problem with that. Would you all mind coming up and  
19 just double-check and make sure we've got all the  
20 exhibits straight and would you take that back and can  
21 you just tell them they can begin their deliberations.

22 OFF RECORD

23          THE COURT: All right. Ms. Campbell, a day  
24 without objections is like a day without sunshine.

25          MS. CAMPBELL: Yes, sir. I'm objecting on behalf

1 of Mr. King to the Solicitor saying the this is  
2 Veronica King's day in court too and the  
3 characterization of that and two factors.

4 Lowering the burden of proof, shifting the burden  
5 of proof and encouraging the Jury to reach a decision  
6 on an improper emotional basis. Those two -- excuse  
7 me, those three factors rise to such a level that we  
8 would request a mistrial for the Solicitor's improper  
9 comments, improper shifting of the burden of proof and  
10 encouraging the Jury to base their decision on  
11 emotion, rather than the law.

12 Thank you, Your Honor.

13 THE COURT: Madame Solicitor, any comment?

14 MS. SWANSON: I think it's a mischaracterization  
15 to say it was a shift of the burden of proof.  
16 Certainly, a prosecutor is allowed to speak about the  
17 dead victim in their closing statement and bring  
18 justice to their behalf and to their family.

19 So, I certainly don't think that there was  
20 anything inappropriate about my closing argument and  
21 it would not rise to the level of a mistrial.

22 THE COURT: I'm going to deny your motion for a  
23 mistrial. I'll note your objection and I'll rule that  
24 it will all be preserved on the record.

25 MS. CAMPBELL: Thank you, Your Honor.



1 THE COURT: Thank you, Ms. Campbell. I  
2 appreciate it.

3 Unless there is an objection, I'm going to excuse  
4 the alternates. Thank you all for -- you all got to  
5 serve as alternates. You don't get to go in and now  
6 make a decision or anything like that, but listen, I  
7 appreciate you all's attention. If somebody had  
8 gotten sick or wasn't able to make it or something  
9 like that, you all would have had to serve, so I  
10 appreciate the fact that you all paid attention and I  
11 hope you enjoyed it somehow. Okay.

12 (Whereupon, the court stood in recess while the  
13 jury deliberated upon its verdict.)

14 (The following proceedings were held in open  
15 court. The defendant was present with counsel, along  
16 with counsel for the State.)

17 THE COURT: Is it permissible for this trial to  
18 end in a mistrial? Any suggestions on how you all  
19 want to answer that?

20 MS. SWANSON: I guess an Allen charge.

21 THE COURT: What?

22 MS. SWANSON: I guess an Allen charge?

23 THE COURT: If they tell me that they are at that  
24 point.

25 MS. SWANSON: Well, true.

1 THE COURT: Ms. Campbell, anything you want to  
2 say?

3 MS. CAMPBELL: Well, I'll tell you quite  
4 honestly, I have never dealt with that question  
5 before. Has Your Honor?

6 THE COURT: Not this early in the game. I want  
7 to tell them it could happen, but it's going to be a  
8 long time before I will go along with it, but I don't  
9 that I can say that.

10 Do you want me to bring them back in here and  
11 just tell them, it can happen, but you all have got to  
12 tell me that's where you are? I mean, I don't know  
13 what you all -- before I give the Allen charge.

14 MS. CAMPBELL: So, what you're suggesting is that  
15 you bring the Jury back in the courtroom and say that,  
16 yes, a trial can end in a mistrial but the Jury would  
17 have to inform the Court --

18 THE COURT: That they're at an impasse.

19 MS. CAMPBELL: That they are at an impasse. And  
20 I'm acceptable to that and feel obligated to also ask  
21 Your Honor to at the same time make sure to charge  
22 them on the burden of proof and reasonable doubt.  
23 Thank you.

24 THE COURT: You mean, when they come back in  
25 here?

1 MS. CAMPBELL: Correct, because again, they are  
2 grappling with evidence in this case.

3 THE COURT: They need to tell me what they are  
4 grappling with. I sort of need to know what they're  
5 grappling with before I start just reading the law to  
6 them again. I could say, if you all have a specific  
7 issue that you want me to recharge or if you want to  
8 listen to part of the testimony again or something  
9 like that, before I --

10 MS. SWANSON: Well, and at this time, the State  
11 would comfortable re-offering of voluntary  
12 manslaughter for 25 years, if that's something that  
13 Mr. King would consider, rather than publicly facing a  
14 mistrial and having to do this all over again. I  
15 don't know. I'm throwing that out there at this time.

16 MS. CAMPBELL: Now I have two things coming out  
17 of left field, so -- let me -- I think, obviously, I  
18 am obligated upon the offer of her statement to  
19 discuss that with Mr. King. If I may have a moment  
20 with him in private, please?

21 THE COURT: You may, before I bring the Jury out.

22 MS. CAMPBELL: Sure. Thank you, Judge.

23 THE COURT: Have you had a chance to talk to him?

24 MS. CAMPBELL: I did. He would not like to take  
25 advantage of that offer at this point.

1 THE COURT: All right. Then I will bring the  
2 Jurors back out and tell them that mistrials can  
3 happen, that I will need to know when you believe you  
4 are at an impasse, because I have few things that I  
5 need to direct you or charge you on and then -- but if  
6 they have some issue that could hopefully be resolved  
7 by either hearing some more testimony or a part of my  
8 charge, if they would let me know, we'll decide how to  
9 address that. Okay?

10 Will you bring the Jury in?

11 THE CLERK: The Jury is entering the courtroom,  
12 Your Honor.

13 (Jury enters courtroom.)

14 THE COURT: Thank you, ma'am.

15 Madame Forelady, I got your question, "Is it  
16 permissible for this trial to end in a mistrial?," and  
17 it is possible that the trial could end in a mistrial.  
18 Okay? But for that to occur, I'm going to have to be  
19 told that the Jury is definitely at an impasse and  
20 there is a further charge I've got to give you at that  
21 time. Okay? If the reason -- whatever issue, and I  
22 don't need to know, you don't need to tell me what it  
23 is, but if there is an issue that is holding you all  
24 up and it would help for you to re-hear some testimony  
25 or to re-hear a definition that -- something that was

1 defined in my charge, I'll be happy to either play the  
2 testimony, have the testimony re-played to you or to  
3 give you that part of the charge again. But that's  
4 something for you all to discuss in the jury room.

5 Again, mistrials are possible, but until I'm told  
6 that you all are definitely at an impasse, I would  
7 need to know that first and then I would bring you  
8 back in here because I have another charge I have to  
9 give you if that's what you're telling me. It's not a  
10 -- anyway, that's just the way it is. Okay?

11 So, I'm going to let you all go back into the  
12 jury room. If you have another question, follow up  
13 question or something like that, I'll be glad to  
14 accommodate you. Thank you.

15 (Whereupon, the court stood in recess while the  
16 jury deliberated upon its verdict.)

17 THE COURT: Anything from the State regarding my  
18 statement to the Jury?

19 MS. SWANSON: No, Your Honor.

20 THE COURT: Any issue from the Defense regarding  
21 my --

22 MS. CAMPBELL: No, Your Honor.

23 THE COURT: All right. We've got a verdict. Is  
24 the State ready to proceed?

25 MS. SWANSON: The State is ready.

1 MS. CAMPBELL: We're ready.

2 THE COURT: Okay. Thank you. If you would bring  
3 the Jury on in, please.

4 \*\*\*

5 READING OF THE VERDICT

6 THE CLERK: The Jury is entering the courtroom,  
7 Your Honor. The Jury is seated, Your Honor.

8 (Jury enters courtroom.)

9 THE COURT: Thank you.

10 Madame Forelady, has the Jury reached a verdict?

11 MADAME FORELADY: We have, Your Honor.

12 THE COURT: Is that verdict unanimous?

13 MADAME FORELADY: Yes, sir. It is.

14 THE COURT: Would you mind giving the bailiff the  
15 verdict form? Thank you, ma'am.

16 THE CLERK: The State of South Carolina versus  
17 Dale Eugene King, as indictment 2017-GS-07-00810.

18 We, the Jury, unanimously find the Defendant,  
19 Dale Eugene King, as to the charge of murder, guilty.

20 THE COURT: All right. Anything from the Defense  
21 before I excuse the Jury?

22 MS. CAMPBELL: We just ask that the Jury be  
23 poled.

24 THE COURT: Thank you, ma'am. Are you going to  
25 do it? Yeah. Ladies and Gentlemen, the Defense has

1 requested that we pole the Jury and so the Clerk is  
2 going to ask each one of you separately a question  
3 about whether or not this is your verdict and still is  
4 your verdict. Madame Clerk? By number, I guess.

5 THE CLERK: Juror Number 97. Is this your  
6 verdict?

7 THE JUROR: Yes.

8 THE CLERK: Is this still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror Number 164. Is this your  
11 verdict?

12 THE JUROR: Yes.

13 THE CLERK: Is this still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Juror number 270. Is this your  
16 verdict?

17 THE JUROR: Yes.

18 THE CLERK: Is this still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Juror number 112. Is this your  
21 verdict?

22 THE JUROR: Yes.

23 THE CLERK: Is this still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror number 146. Is this your

1 verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is this still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror number 222. Is this your

6 verdict?

7 THE JUROR: Yes.

8 THE CLERK: Is this still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror number 239. Is this your

11 verdict?

12 THE JUROR: Yes.

13 THE CLERK: Is this still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Juror number 68. Is this your

16 verdict?

17 THE JUROR: Yes.

18 THE CLERK: Is this still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Juror number 123. Is this your

21 verdict?

22 THE JUROR: Yes.

23 THE CLERK: Is this still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror number 60. Is this your



1 verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is this still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror number 65. Is this your

6 verdict?

7 THE JUROR: Yes.

8 THE CLERK: Is this still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror number 137. Is this your

11 verdict?

12 THE JUROR: Yes.

13 THE CLERK: Is this still your verdict?

14 THE JUROR: Yes.

15 THE COURT: Thank you all. Anything else?

16 MS. CAMPBELL: No, thank you.

17 THE COURT: Ladies and Gentlemen, I want to thank

18 you for your service. You all were very attentive

19 during the trial. I appreciate your serious

20 deliberations in this matter, and you all are now free

21 to go. Thank you again for your service. You all

22 have a good evening and I appreciate it. Thank you

23 very much.

24 (Jury exits courtroom.)

25 MS. SWANSON: I am just waiting on the sentencing

1 sheet. My investigator ran down to the printer to  
2 grab it but I can relay the Defendant's prior record,  
3 if you'd like at this time.

4 THE COURT: Okay.

5 MS. SWANSON: Mr. King does not have any  
6 convictions on his record. From Georgia, there were a  
7 number of arrests in the 80's and 90's but it was  
8 unclear what he was convicted of. There's a 1999  
9 drunk and disorderly, 2006 public drunk, 2009 -

10 THE COURT: All these are arrests, right?

11 MS. SWANSON: No. I'm sorry. Those are  
12 convictions.

13 THE COURT: Oh, these are convictions? Okay.

14 MS. SWANSON: And then, of course, you heard  
15 about the --

16 THE COURT: The March of 2017 --

17 MS. SWANSON: The pending domestic violence  
18 charge against Mr. King when he committed this murder.  
19 Let me just sign this sentencing sheet and we're  
20 almost ready to go.

21 The State's position on the sentencing -- none of  
22 the victim's family wishes to address the Court, but I  
23 do think that a 35-year sentence would be appropriate  
24 in this case. They were married for 35 years and he  
25 was abusive to Veronica the entire time.

1 THE COURT: Anything from the defense? Any  
2 mitigation?

3 MS. CAMPBELL: May it please the Court, Your  
4 Honor?

5 THE COURT: Yes, ma'am.

6 MS. CAMPBELL: I just would have a procedural  
7 point for sentencing and then, of course, the  
8 Defendant's motion for a new trial, which we might  
9 have a little bit more leeway if Your Honor were here  
10 in this Circuit all the time, but we'd like to make  
11 the motion for a new trial this afternoon, so how  
12 would you like to proceed?

13 Would you like to pronounce sentence and then go  
14 through that or would you like to do that now?

15 THE COURT: Whatever you prefer. What's the  
16 usual custom here that you all are used to doing?

17 MS. CAMPBELL: Do you have a conviction sheet,  
18 Ms. Swanson?

19 MS. SWANSON: I do not.

20 MS. CAMPBELL: I think that we'll put the motion  
21 for a new trial on the record and then ask Your Honor  
22 to pronounce sentencing.

23 THE COURT: Okay.

24 MS. CAMPBELL: If it please the Court?

25 THE COURT: Oh, yes, ma'am. I'm sorry.

1 MS. CAMPBELL: The Defendant would make a motion  
2 for a new trial. First, the Court erred in allowing  
3 the State of South Carolina to introduce the testimony  
4 of Bessie Bates, Naomi King and Trish Brubaker, all  
5 falling under the Defendant's objection to the 404B  
6 testimony. And I can do one at a time or I can give  
7 them all to you. However you prefer.

8 THE COURT: Whichever -- Ms. Campbell, however --

9 MS. CAMPBELL: Will you just rule on them  
10 individually?

11 THE COURT: Well, yeah I might. Why don't you go  
12 through all of them and let me hear them.

13 MS. CAMPBELL: Okay. The second basis is that  
14 the Court erred in allowing the Defendant's statements  
15 into evidence. The third basis is that the Court  
16 erred in allowing the State to introduce the  
17 photographs 3D, 3E, 3J, 3L and 3M. The fourth basis  
18 would be that the Court erred in instructing the Jury  
19 in the Court's opening remarks to the Jury that it is  
20 their job to search for the truth. And then the Court  
21 erred in denying the Defendant a mistrial motion at  
22 that time.

23 The fifth ground, the Court erred in denying  
24 Defendant a mistrial motion when the State elicited  
25 testimony through Bessie Bates that was in violation

1 of the Court's order on the 404B testimony.

2 Ground number six, the Court erred in denying the  
3 Defendant motion for directive verdict and number  
4 seven, the Court erred in refusing to charge  
5 Defendant's request to charge on a reasonable doubt  
6 and mere presence. Number eight, the Court erred in  
7 failing to grant Defendant's motion for a mistrial  
8 based on the Solicitor's improper comments and  
9 arguments during her closing argument which number 1,  
10 lowered the burden of proof, number 2, shifted the  
11 burden of proof and number 3, encouraged the Jury to  
12 base their decision on emotion rather than the law.

13 And the last basis for the motion for a new trial  
14 would be that when the Jury sent out their question to  
15 the Court after deliberating -- the Jury went out at  
16 10:55 a.m., they sent out a Jury question at 1:10  
17 asking if it's permissible that this trial end in a  
18 mistrial and the Defendant requested that any comment  
19 the Court made to the Jury on that question that the  
20 Court also at that time charge the Jury on the burden  
21 of proof and reasonable doubt and the Court refused to  
22 do so. That's all. Thank you.

23 THE COURT: Okay. Ms. Campbell, you did a great  
24 job. I may have lost count. Was that nine?

25 MS. CAMPBELL: Yes, it was.

1           THE COURT: Oh, good. I didn't lose count.  
2 Okay. I was concerned that perhaps I had miscounted  
3 things. I think, Ms. Campbell, and correct me if I'm  
4 wrong, I have ruled on all of these except -- I don't  
5 think -- I know I've made rulings on all of these. Is  
6 that correct?

7           MS. CAMPBELL: Yes, sir.

8           THE COURT: Okay. The one thing I want to adopt  
9 all of my other rulings, except on seven, on the  
10 reasonable doubt request, I would challenge the  
11 Defense in that I believe my reasonable doubt charge  
12 met most of the requirements that you suggested, most  
13 particularly the one that you were most concerned  
14 about was the charge on the burden of proof had to be  
15 relative and I gave them the relative charge for  
16 beyond a reasonable doubt, clear and convincing and  
17 then you said that those had to be more -- that beyond  
18 a reasonable doubt had to be even more than that,  
19 which I believe was what was suggested in your motion.

20           Now, I will say that I did not change that other  
21 paragraph that you wanted about the Court's have  
22 traditionally charged and I will note that, but just  
23 for the record, I want to make sure it's clear that I  
24 did make some changes to that in reference to your  
25 motion.

1 But, again, my previous decisions stand on all of  
2 these nine exceptions, your nine exceptions to my  
3 rulings and any subcategories involved in that. I  
4 will note your objections to all of that so they will  
5 all be preserved for appeal. Okay?

6 MS. CAMPBELL: Thank you, Your Honor.

7 THE COURT: Thank you. I appreciate it.

8 \*\*\*

9 SENTENCING HEARING

10 MS. CAMPBELL: At this time, I believe we would  
11 proceed to the sentencing for Mr. King. Would you  
12 like for Mr. King to stand and come forward or would  
13 you prefer for him to stay here?

14 THE COURT: However he's most comfortable.

15 MS. CAMPBELL: So, in mitigation, what I would  
16 say to Your Honor is, in asking for the minimum  
17 sentence, which is a 30 year sentence. You know that  
18 Mr. King is in his mid-fifties. You know that this  
19 was a marriage, as the State has said, for 35 years.  
20 I would say that there is a driving under suspension  
21 in his past, maybe something that minor. There is no  
22 failure to comport to the rules and laws of our  
23 community, of any egregious nature and he finds  
24 himself here at this advanced age and now having been  
25 found guilty by a Jury of his peers for the death of

1 his wife and will look at spending what essentially is  
2 the remainder of his life in prison.

3 So, we just ask Your Honor to consider the  
4 minimum sentence of 30 years. I would advise my  
5 client, again, because of the appeal, not to make a  
6 statement at this time.

7 THE COURT: You can sit down. I have to think  
8 for a minute so there's no reason for you all to  
9 stand.

10 MS. CAMPBELL: Thank you.

11 THE COURT: Ms. Campbell, he -- Mr. King has been  
12 in jail since May 18th, 2017?

13 MS. CAMPBELL: Yes, sir.

14 THE COURT: Mr. King, having been found guilty of  
15 murder, this Court sentences you to the State  
16 Department of Corrections for a term of 35 years. I  
17 give you credit for the time you served since May  
18 18th, of 2017. Good luck to you. Thank you, sir.

19 MS. CAMPBELL: Thank you, Judge.

20 THE COURT: Thank you.

21 \* \* \*

22 - - -END OF TRANSCRIPT- - -

23

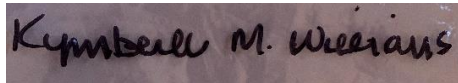


## CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for York County, South Carolina, on the 9<sup>th</sup> to the 11th days of December, 2020.

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

This, the 11<sup>th</sup> day of May, 2020.

A rectangular box containing a handwritten signature in black ink that reads "Kymberlee M. Williams".

Kymberlee M. Williams, CSR/RPR

## FORM 5

STATE OF SOUTH CAROLINA )

) IN THE COURT OF COMMON PLEAS

County of BEAUFORT 2024 JUN 25 PM 12:25 )DALE E. KING <sup>u</sup> 381842 )  
Full name and prison number (if any) of Applicant )JEREL ANN ROSEHEAD  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

2024 CPD 701408

v. )

) APPLICATION FOR

State of South Carolina )

) POST-CONVICTION RELIEF  
)  
)  
)  
)**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention KERSHAW CORRECTIONAL 4848 GOLD MINE HWY  
KERSHAW S.C. 29067-8069
2. Name and location of Court which imposed sentence 14<sup>TH</sup> JUDICIAL  
CIRCUIT - GENERAL SESSIONS
3. Name(s) of co-defendant(s) (if any) \_\_\_\_\_
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:  
(a) 2017 GSD 700810 - MURDER  
(b) \_\_\_\_\_

- (c) \_\_\_\_\_
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 12-11-19 - 35 YRS
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty \_\_\_\_\_
- (b) after a plea of not guilty ☒ \_\_\_\_\_
- (c) after a plea of nolo contendere \_\_\_\_\_
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
YES
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. STATE OF SOUTH CAROLINA COURT OF APPEALS
- ii. STATE OF SOUTH CAROLINA SUPREME COURT
- iii. \_\_\_\_\_
- (b) the result in each such Court to which you appealed:
- i. CONVICTION AFFIRMED
- ii. CERTIORARI DENIED
- iii. \_\_\_\_\_
- (c) the date of each such result:
- i. SUBMITTED 2-1-20 - FILED 3-15-23
- ii. 5-21-24
- iii. \_\_\_\_\_
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. NONE
- ii. NONE
- iii. \_\_\_\_\_
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) \_\_\_\_\_
- (b) \_\_\_\_\_

- (c) \_\_\_\_\_
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) INEFFECTIVE ASSISTANCE OF COUNSEL
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) FAILURE TO COMMUNICATE WITH CLIENT.
- (b) FAILURE TO INVESTIGATE REQUEST'S FOR MISSING ~~RELEVANT~~ VITAL EVIDENCE IN MY CASE.
- (c) FAILURE TO TALK / INTERVIEW WITNESSES.
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? YES
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(c) the disposition thereof:

- i. CONVICTION AFFIRMED
- ii. RETRIBUTORY DENIED
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. 3-15-23
- ii. 5-21-24
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. NONE
- ii. NONE
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) COUNSEL FAILED TO COMMUNICATE WITH CLIENT  
 (b) FAILED TO INVESTIGATE CASE  
 (c) FAIL TO TALK TO WITNESSES

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? YES  
 (b) your trial, if any? YES  
 (c) your sentencing? YES  
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES  
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?  
NO

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
- i. TRASI CAMPBELL ESQ - 14<sup>TH</sup> JUDICIAL CIRCUIT  
P.O. BOX 525, BEAUFORT S.C. 29901
  - ii. WANDA H. CARTER ESQ - DIVISION OF APPELLATE DEFENSE  
1330 LADY STREET SUITE 401, COLUMBIA S.C. 29201-3332
  - iii. WANDA H. CARTER ESQ - DIVISION OF APPELLATE DEFENSE  
1330 LADY STREET SUITE 401 COLUMBIA S.C. 29201-3332
- (b) the proceedings at which each such attorney represented you:
- i. 14<sup>TH</sup> JUDICIAL CIRCUIT - COURT OF GENERAL  
SESSIONS
  - ii. STATE OF SOUTH CAROLINA COURT OF APPEALS
  - iii. STATE OF SOUTH CAROLINA SUPREME COURT

19. State clearly the relief you seek in filing this application:

A NEW TRIAL, OR DISMISSAL OF CONVICTION  
OF ALL CHARGES IN MY CASE DUE TO INEFFECTIVE-  
NESS OF COUNSEL.

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA )

County of KERSHAW )

VERIFICATION

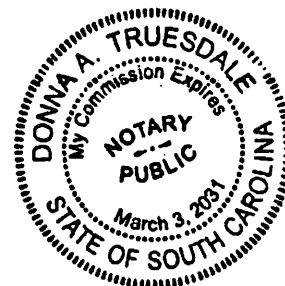
I, Dale E King, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Dale E King

SWORN to and subscribed before me this 14<sup>th</sup>  
 day of June, 2024.

Donna A Truesdale (L.S.)  
 Notary Public

My Commission Expires: March 03, 2031



**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, DALE. KING, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

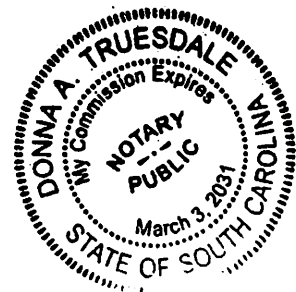
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

*Dale E King*  
Applicant

SWORN or affirmed to and subscribed before me this  
14<sup>th</sup> day of June, 2024.

*Donna A. Truesdale*  
Notary Public

My Commission Expires: March 03, 2031





STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF BEAUFORT ) IN THE FOURTEENTH JUDICIAL CIRCUIT  
2025 MAR -7 AM 11:48  
Dale E. King, #381842, ) CASE NO. 2024-CP-07-01408  
JERRI ANN ROSEN, CLERK OF COURT  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )  
) RETURN  
) (Counsel Appointed)

In response to the application for post-conviction relief (PCR) filed by Dale E. King on June 25, 2024, Respondent makes the following return<sup>1</sup>:

#### **PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections serving a thirty-five-year sentence. In October 2018, the Beaufort County Grand Jury indicted Applicant for murder (2017-GS-07-00810). On December 9-11 2019, Applicant proceeded to a jury trial before the Honorable Edgar W. Dickson. Trasi Campbell, Esquire, represented Applicant. Assistant Solicitors Kimberly Smith, Esquire, and Hunter Swanson, Esquire, represented the State. Following his conviction, Judge Dickson sentenced Applicant to thirty-five years' imprisonment for murder.

On December 17, 2019, Applicant filed a timely notice of appeal. Applicant's appeal was

<sup>1</sup> Respondent's Return was due to be filed within ninety days of receipt. See Rule 12(a), SCRCPP ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.") Now, having completed the Return required in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of the delay, Respondent respectfully asks this Court to accept this Return as timely filed. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that "respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application"); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court).

perfected by Appellate Defender Adam Sinclair Ruffin, by filing a brief raising the following issues:

- I. Whether the trial judge erred in failing to grant a mistrial after instructing the jury in his opening remarks that a trial was a search for the truth where such an instruction impermissibly shifted the burden of proof to the defendant?
- II. Whether the trial judge erred in failing to grant a mistrial after the decedent's sister testified that she advised the decedent to end her relationship with Appellant because Appellant physically assaulted her where the trial judge ruled such testimony was inadmissible?
- III. Whether the trial judge erred in allowing testimony that Appellant physically assaulted the victim two months prior to her death where the prior assault was not probative of intent or lack of mistake or accident, and any probative value was substantially outweighed by the danger of unfair prejudice?

The South Carolina Court of Appeals affirmed Applicant's conviction on the merits following briefing, without oral argument. State v. King, Op. No. 2023-UP-091 (S.C. Ct. App. Filed March 15, 2023). The Remittitur was sent on March 31, 2023. The Court of Appeals then filed an order to recall the remittitur on April 28, 2023. Applicant filed a Petition for Rehearing in the Court of Appeals on May 22, 2023, which was denied on June 22, 2023. Applicant then filed a Petition for Writ of Certiorari to the Court of Appeals with the South Carolina Supreme Court on July 24, 2023. The Return to Petition for Writ of Certiorari was filed August 23, 2023. On May 21, 2024, the South Carolina Supreme Court denied Certiorari and the Remittitur was filed May 22, 2024.

#### **CURRENT APPLICATION**

On June 25, 2024, Applicant filed this PCR action alleging he is being held in custody unlawfully based on the following allegations:

- 1) "Ineffective Assistance of Counsel"
  - a. "Failure to communicate with client"
  - b. "Failure to investigate requests for missing vital evidence in my case"
  - c. "Failure to talk/ interview witnesses"

As relief, Applicant requests a new trial, or dismissal of conviction of all charges. Attached to this return and incorporated by reference are the Clerk of Court records for the underlying convictions, Applicant's records from the Department of Corrections, Applicant's appellate records and the trial transcript. Respondent reserves the right to file an amended return upon receipt of any additional information.

### INEFFECTIVE ASSISTANCE OF COUNSEL

Respondent requests an evidentiary hearing on Applicant's claim of ineffective assistance of counsel. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E. 2d at 635 (quoting Strickland, 366 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. At 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive

relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C at 117-18, 386 S.E.2d at 625.

Here, the record likely does not refute or disprove Applicant's claims; therefore, Respondent requests an evidentiary hearing once Applicant files an amended application. See Sharper, 279 S.C. at 265, 305 S.E.2d at 248 (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record").

#### **ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY**

Respondent requests Applicant specify any claims he intends to raise in advance of the hearing. Respondent reserves the right to request a continuance based upon any amendments withheld until the last minute. Respondent further requests all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent before the hearing. Likewise, Respondent requests all potential evidence and a witness list be sent to Respondent before the hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that result in undue prejudice to the State.

#### **ALL OTHER ALLEGATIONS**

Any allegation not expressly admitted, qualified, or explained is hereby denied.

[CONCLUSION AND SIGNATURE PAGE FOLLOWS]

CONCLUSION

WHEREFORE, Respondent requests an evidentiary hearing on Applicant's claims of ineffective assistance of counsel.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

D. RUSSELL BARLOW, II  
Senior Assistant Deputy Attorney General

DANIELLE DIXON  
Assistant Attorney General

KYLEE KANEALEY  
Assistant Attorney General

By:

  
\_\_\_\_\_  
Kylee Kanealey, Bar No. 107060

ATTORNEYS FOR RESPONDENT  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
803-734-3737

March 5, 2025

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS  
) IN THE FOURTEENTH JUDICIAL CIRCUIT

Dale E. King, #381842,

2025 MAR 7 AM 11:48

CASE NO. 2024-CP-07-01408

Applicant,

HERRIAN ROSEHEAD  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

v.

CERTIFICATE OF SERVICE BY MAIL

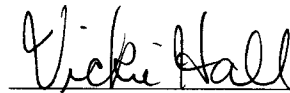
State of South Carolina,

Respondent,

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return in the above captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Chelsey Faith Marto, Esquire**  
**The Law Office of Chelsey F. Marto**  
**PO Box 8795**  
**Columbia, SC 29201**

DATED this 5<sup>th</sup> day of March, 2025.



Vickie Hall, Legal Assistant  
For Respondent

|                          |   |                                        |
|--------------------------|---|----------------------------------------|
| STATE OF SOUTH CAROLINA  | ) | IN THE COURT OF COMMON PLEAS           |
| COUNTY OF BEAUFORT       | ) | FOR THE FOURTEENTH JUDICIAL CIRCUIT    |
|                          | ) |                                        |
|                          | ) |                                        |
| Dale King, #381842,      | ) | Case No.: 2024-CP-07-01408             |
| Applicant,               | ) |                                        |
| v.                       | ) | <b>APPLICANT'S AMENDED APPLICATION</b> |
| State of South Carolina, | ) |                                        |
| Respondent.              | ) |                                        |
|                          | ) |                                        |

---

NOW COMES Applicant, Dale King, amending his application filed September 25, 2023. In addition to the allegations raised in his initial application, Mr. King, through PCR Counsel, submits the following:

1. Ineffective assistance of counsel for:
  - a. Failure to communicate with Applicant.
  - b. Failure to meet enough.
  - c. Failure to discuss discovery with Applicant.
  - d. Failure to develop a valid trial defense and communicate it with Applicant.
    - i. Failure to argue that the victim was so intoxicated she passed out on her own.
    - ii. Failure to argue that if Applicant killed the victim, why would he have covered her with a blanket.
    - iii. Failure to argue that if Applicant killed her, she would have been laying in a different position.
  - e. Failure to properly cross-examine:
    - i. Applicant's supervisor.
    - ii. Investigators regarding how she was laying and that she had a blanket on her.

- iii. Brother concerning how Applicant's story did not change.
- f. Failure to investigate photos police showed him during investigation that were not in discovery.

### **Conclusion**

Based upon the above, Mr. King requests that this Court grant relief, vacate the convictions, and remand the case to the court of general sessions for a new trial.



Chelsey F. Marto  
Attorney at Law  
S.C. Bar No. #104191

The Law Office of Chelsey F. Marto, LLC  
P.O. Box 8795  
Columbia, SC, 29201

(864)-404-5583  
info@chelseymarto.com

**For Applicant Dale King**

April 9, 2025



STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

) IN THE COURT OF COMMON PLEAS  
) FOR THE FOURTEENTH JUDICIAL CIRCUIT  
)  
)

Dale King, #381842,  
Applicant,

) Case No.: 2024-CP-07-01408  
)

v.

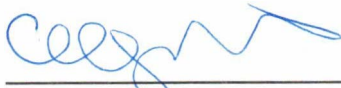
) Affidavit of Service by Mail  
)

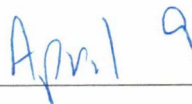
State of South Carolina,  
Respondent.

)  
)  
)

1. I am the attorney for Applicant in the above-captioned matter.
2. Regular communication by mail exists throughout the state of South Carolina and this is a proper circumstance of service by mail.
3. I have this day served a copy of the Amended Application on the above-captioned matter on the following person by depositing the same in the United States mail with the proper postage affixed thereto:

**Office of the Attorney General**  
**Attn: Kylee Kanealey, Esquire**  
**PCR Division**  
**P.O. Box 11549**  
**Columbia, SC, 29211**

  
\_\_\_\_\_  
Attorney for Applicant

  
\_\_\_\_\_, 2025

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS  
FOURTEENTH JUDICIAL CIRCUIT  
2024-CP-07-01408

Dale E. King, )  
)  
Plaintiff, )  
)  
vs. )  
)  
State of South Carolina, )  
)  
Defendant. )  
----- )

**TRANSCRIPT OF HEARING**

April 14, 2025  
Beaufort, South Carolina

B E F O R E:

The Honorable Frank Addy, Jr., Judge Presiding

A P P E A R A N C E S:

For the Applicant -  
Chelsey Marto, Esquire  
1122 Lady Street, Suite 206  
Columbia, South Carolina 29201  
864-404-55

For the State -  
Kylee Kanealey, Esquire  
Assistant Attorney General  
1000 Assembly Street  
Columbia, South Carolina 29201  
803-734-3970

Cathy L. Young, CVR-M  
Official Circuit Court Reporter  
Post Office Box 4604  
Beaufort, South Carolina 29903

**I N D E X**

|                                         | <b>PAGES</b> |
|-----------------------------------------|--------------|
| Proceedings                             | 03           |
| Examination of Witnesses:               |              |
| Dale E. King                            |              |
| Examination by Ms. Marto                | 05           |
| Cross-examination by Ms. Kanealey       | 18           |
| Trasi Campbell                          |              |
| Examination by Ms. Marto                | 21           |
| Cross-examination by Ms. Kanealey       | 28           |
| Judge's Ruling (Took under advisement.) | 29           |
| Certificate of Reporter                 | 30           |

**I N D E X   O F   E X H I B I T S**

No exhibits were introduced for the record.

## 1 P R O C E E D I N G S

2 \* \* \* \* \*

3 THE COURT: We are, I believe, on the  
4 record, and if I'm not mistaken, I think the first  
5 case up is Dale King vs. State, 2024-CP-07-0148.  
6 Mr. King, I'm Frank Addy, I'm the judge who's  
7 presiding this week for PCR terms. Attorney  
8 General, I'm happy to hear from you.

9 MS. KANEALEY: Yes. May it please the  
10 Court?

11 THE COURT: Yes, ma'am.

12 MS. KANEALEY: Kylee Kanealey on behalf of  
13 the State of South Carolina. This is a post-  
14 conviction relief matter of Dale E. King vs. State,  
15 Case Number 2024-CP-07-0148 out of Beaufort County.  
16 During the October 2018 term the Beaufort County  
17 Grand Jury indicated Applicant for murder. On  
18 December 9th through 11th, 2019, Applicant proceeded  
19 to a jury trial before the Honorable Edgar W. Dixon.  
20 Trasi Campbell, Esquire, represented Applicant.  
21 Following his conviction, Judge Dixon sentenced  
22 Applicant to 35 years imprisonment for murder.  
23 Applicant appealed in the Court of Appeals, affirmed  
24 Applicant's conviction on the merits. Applicant  
25 filed this PCR action on June 25th, 2024, alleging

1 various allegations of ineffective assistance of  
2 counsel. Applicant sent an amended application  
3 April 9th alleging additional allegations.  
4 Applicant requested a new trial or dismissal of  
5 conviction for all charges, and at this time we  
6 would ask Ms. Marto to state which allegations she  
7 intends to move forward on.

8 MS. MARTO: Good morning, Judge.

9 THE COURT: Good morning.

10 MS. MARTO: I do have an amended  
11 application.

12 THE COURT: Okay.

13 MS. MARTO: I don't know if you have a copy  
14 of it.

15 THE COURT: Was it ---

16 MS. MARTO: I'll pass that up.

17 THE COURT: Was it recently submitted? I  
18 didn't ---

19 MS. MARTO: Within the week.

20 THE COURT: Okay.

21 MS. MARTO: So ---

22 THE COURT: I believe my ---

23 MS. MARTO: Yeah.

24 THE COURT: Okay, yes. I don't think it  
25 was submitted to the packet. I did have a chance

1    though to review basically everything that had been  
2    filed previously that was sent to us, so I -- I have  
3    kind of a general understanding of -- of the  
4    underlying allegations, or the underlying  
5    conviction, and what is being raised here. So feel  
6    free to proceed at your leisure.

7               MS. MARTO: Thank you, Judge. Yeah, we're  
8    -- just for the record we are planning on just  
9    proceeding forward on what's being raised in the  
10   amended application, and then we would call Mr. Dale  
11   King to the stand.

12              THE COURT: Mr. King, if you could, just  
13   come up and have a seat over here, please.

14                               \* \* \* \* \*

15                               Dale E. King,  
16                               having been duly sworn,  
17                               testifies as follows:

18                               \* \* \* \* \*

19                               DIRECT EXAMINATION

20               BY MS. MARTO:

21               Q. Good morning, sir. So what were you  
22   charged with?

23               A. Murder.

24               Q. And you took this case to trial?

25               A. Yes, I did.

1 Q. Who were you represented by again?

2 A. Trasi -- Trasi Campbell.

3 Q. And how do you feel like she did in  
4 representing you?

5 A. Well, it's -- it's a number of things  
6 first, like when it come down to -- to communication  
7 part, I mean, we -- we basically had no -- no  
8 communication at all.

9 Q. How many times did you meet?

10 A. Out of two and a half years I think we  
11 might have met three times.

12 Q. Do you remember what you discussed  
13 during those conversations?

14 A. One time she came and she told me what  
15 the Solicitor, you know, was going -- wanted me to  
16 plead to. And one time I think she came, she had a  
17 bunch of pictures she had -- she had brought. And  
18 when I looked through them I told her, you know,  
19 some of the photos was -- was -- was missing. And  
20 after that I called her a couple of times, and that  
21 -- that was it.

22 Q. Now, what type of photos were missing;  
23 do you recall?

24 A. It was on the ones of the crime scene.  
25 I mean they -- they -- they flooded the -- the

1 discovery with a lot of autopsy photos, but the --  
2 the -- the -- the photos that really could have  
3 helped my case they -- they came up missing.

4 Q. And when you say photos that would help  
5 your case, are you talking about like the position  
6 she was laying in?

7 A. Yes. When -- I mean when I discovered  
8 her the next morning.

9 Q. And what type of position was she laying  
10 in; do you recall?

11 A. She -- she -- she wasn't -- she wasn't  
12 laying down, she was in a -- do you mind if I  
13 demonstrate?

14 Q. Just describe it.

15 THE COURT: Describe it first, if you can,  
16 that's fine.

17 BY WITNESS:

18 A. I mean I'll try -- I'll try to describe  
19 it, but everybody can't see and understand what I  
20 was -- I was saying. I mean I -- I -- I can do it  
21 right here, I mean I ain't got to go ---

22 THE COURT: Yeah, sure, go ahead.

23 BY MR. SMITH:

24 Q. Okay. The -- the morning when I  
25 discovered her, she was like -- say this was the



1 sofa chair, and this was the back of the sofa chair,  
2 and I found that she was in his position, but when  
3 we got to court everybody was saying she was laying  
4 flat on her back. And that was the communication  
5 that fell apart, because I was telling her there  
6 wasn't no need of me coming to court if she couldn't  
7 produce those photos, because that was, you know,  
8 damaging to my case. And, you know, and -- and like  
9 I was, you know, and I had suggested that, you know,  
10 she get in touch with the police department or the  
11 Solicitor's office, in order, you know, to come up  
12 with -- with that -- that evidence, but -- but I  
13 did. I mean I really -- I figured my case was lost,  
14 'cause it was, you know, their word against mine,  
15 but I feel the photo was very, you know, important  
16 to my case.

17 Q. Why do you feel like her laying in that  
18 position would have been helpful to you?

19 A. Because I mean when -- when I was taken  
20 down to the police department to get questioned,  
21 they took me, you know, I stayed there about a  
22 couple hours, and when I got back I noticed, you  
23 know, they had moved her from, you know, the  
24 position that -- that the way I discovered her, and  
25 how, you know, laying in another position, and --

1 and that's the story, you know, everybody was, you  
2 know, running with. And so even -- I mean I don't  
3 know that they might have even noted that, but I  
4 paid attention while I was in court. The EMS  
5 person, she even made a statement saying it looked  
6 like somebody moved, you know, she moved the body.  
7 I mean she said that in court herself, and so by --  
8 by if me and my attorney had, you know, communicated  
9 with each other, I mean she -- she didn't catch it,  
10 but I did.

11 Q. Now, those photos would have also shown  
12 that she was covered with a blanket; is that  
13 correct?

14 A. Right, and -- and that photo, that was  
15 missing too.

16 Q. Okay. And explain to the Court why that  
17 would have been helpful in your case.

18 A. Because that was -- when she was in that  
19 position, and when I went to go get somebody, you  
20 know, to help, I had take the blanket and not --  
21 they said I covered her, but what I did, I just, you  
22 know, laid it, you know, delicately on her back, you  
23 know, just to, you know, hide her, you know, body  
24 from everybody going, you know, rushing in the room;  
25 but like I said, all that stuff is just -- all of a

1 sudden just -- just disappeared for some reason.  
2 And like I said, with that, they was able to just  
3 change their story to whatever they wanted to, and  
4 that's -- and that's -- that's -- that's the reason  
5 why I'm saying the failure of communication, and  
6 when she didn't communicate, you know, communicate  
7 with me, I didn't get a chance to get a proper  
8 investigation either. So I don't feel like I really  
9 got my fair chance in court, I mean with -- with  
10 representation like that.

11 Q. Now, what did you think counsel's  
12 defense for you at trial was? What did that consist  
13 of?

14 A. Oh, to tell you the truth I really  
15 didn't know what my defense was until I got to the  
16 courtroom, where she suggested, she tell me, "Don't  
17 -- don't -- don't say you want to take the stand."  
18 So while she being my counsel, I said, "Okay," I  
19 mean I just followed, you know, her lead, 'cause I  
20 mean she was my counsel, and I was depending on her.

21 Q. What did you want her to argue in your  
22 defense that she didn't?

23 A. At first what I wanted her to do, I  
24 wanted her to locate those photos, 'cause I know  
25 without that -- I mean I -- I didn't -- I didn't

1 stand a chance. I mean -- and plus I mean I don't  
2 see how she could argue anything in my behalf,  
3 because like I said, we -- we didn't really  
4 communicate nothing but about a plea deal. And like  
5 I said, a couple photos she brought, which I told  
6 her that those photos was missing at that time, too,  
7 but she, you know, she never bothered with it.

8 Q. Now, you were with your wife the night  
9 she passed away, right?

10 A. Right.

11 Q. And what -- what was your take on what  
12 happened? How did she pass away?

13 A. Well, I, you know, I really -- I mean  
14 everybody was betting on that just like it was a  
15 big, big, big, big fight, or something like that,  
16 but what -- as far as I know, and I mean I was the  
17 one there, we were just sitting there watching, you  
18 know, a couple of movies, and she decided she wanted  
19 to go, you know, take a bath, which, you know, I  
20 decided -- I told -- I wish I told her it wasn't --  
21 it wasn't a good idea, but by me and her being, you  
22 know, married as long as we was, you know, she's  
23 basically gonna do what she was gonna do anyway, so,  
24 I, you know, I -- I -- I let her went. And then  
25 shortly after she had, you know, stayed in an extra

1 long time in the bathroom, and so I decided to go  
2 ahead and check on her, so I did. And when I go in  
3 there, I discovered she had done, you know, went to  
4 sleep in the tub, and so I cut the water off. And  
5 I'd seen them, you know, do it, you know, a thousand  
6 times on TV, where they just sweep in there and just  
7 pick somebody out of the tub and carry them out of  
8 the room, but it -- it ain't -- it ain't -- it ain't  
9 been that easy. I mean I had a hard, hard, hard  
10 time getting her -- getting her out of the tub. I  
11 mean -- plus she was -- she was wet for one thing.  
12 And so I grabbed her, you know, around the -- around  
13 the waist like this, pulled her out, and got her,  
14 you know, grabbed her by the wrist, tried to pull  
15 her out. And so finally I had, you know, pulled her  
16 out again, I pulled her out again, I had to carry --  
17 kind of carry and drag, you know, her to -- to -- to  
18 the couch. And so that's why I -- that's why I left  
19 her laying flat on her back on the couch. And I  
20 mean -- and I -- and I said that, and which that  
21 would have made me, you know -- you know, if  
22 something was strange, but the next morning when I  
23 woke up she was in the position I told y'all she  
24 was, you know, I just said she was in. And so -- so  
25 I ran over, not knowing that, you know, she had

1 passed, and I had turned her head, you know, to  
2 check and see was she breathing or not. And -- and  
3 in court they said that was from a -- a -- a choke,  
4 but it went from a choking from when she had passed,  
5 and I had to take her head and turn and caused that,  
6 you know, little damage that, you know, they said  
7 that happened, but I didn't get a chance to speak --  
8 to talk to her about that either, 'cause me and her  
9 never, you know, communicated that. And so we -- we  
10 really, you know, we -- it was just me and -- and my  
11 -- today is the first time I ever got a chance to  
12 tell this because she's the first one who really  
13 asked me what happened. I mean, it was just a  
14 failure of communication as far as I was concerned.

15 Q. So just so that I'm understanding, you  
16 wanted her to basically argue that --

17 A. Yeah.

18 Q. -- she was intoxicated, and that's why  
19 she passed away?

20 A. Well, yeah, I mean -- I don't know how  
21 much she was intoxicated, and I mean I can't even  
22 say she was -- because I mean, too, now you've got  
23 to understand my wife, she was suffering from this  
24 thing, it's a woman's problem that she was having,  
25 and she would -- she was having serious problems,

1 and so her body was bleeding out more than her body  
2 could keep up with too, and sometimes, you know, she  
3 would just have a seizure and pass out. And a --  
4 and a lot of people used to mistake it, because they  
5 know that we, you know, 'cause we used to consume  
6 alcohol sometimes, so when people would see her pass  
7 out like that, they would mistake her for being  
8 intoxicated. And I was explaining to them that  
9 that ain't been a problem. And -- and so I mean  
10 there was a lot of things that, you know, if she had  
11 just took time enough to talk to me about -- I mean  
12 I don't think I really would have been in this  
13 position right now.

14 Q. Now, did you get a chance to review the  
15 discovery with counsel?

16 A. No. I mean -- I mean I got one, but I  
17 mean, me and her, we didn't -- we didn't discuss  
18 that whatsoever.

19 Q. Did you want her to discuss the  
20 discovery with you?

21 A. Well, at -- at first I mean I thought,  
22 you know, that was the whole purpose of, you know,  
23 having counsel, but when I got the discovery I  
24 really didn't know, you know, what -- what to do  
25 with it until the other, you know, at the other -- I

1 went to court and I had a copy, and I was just  
2 looking at all the mistakes that, you know, could  
3 have been avoided. Like -- like the guy got in  
4 court and said he wasn't nowhere to be found in the  
5 room when, you know, when the incident -- on the day  
6 of the incident, but it was a -- a big statement  
7 right there on like the third page, saying that me  
8 and him both was right there. You know, on the --  
9 on the -- he went in the room, and I came out the  
10 room behind him, but he got in court and said, "No,  
11 I didn't know if, you know, he'd been in the room."  
12 And she -- she didn't cross-examine him, because see  
13 she didn't know because I mean, apparently, she  
14 hadn't read the discovery either.

15 Q. Now, you also wanted counsel to cross-  
16 examine several witnesses more effectively, right?

17 A. Yeah, the most exactly one that said he  
18 was in the room with me. For one thing, I mean he  
19 got -- I mean he just got up there and said nobody  
20 -- and no further questions, and he walked away.

21 Q. Are you talking about an investigator?

22 A. Well, him, no, he -- well, the  
23 investigator I just wanted her to, you know, to  
24 cross-examine him, why he removed those photos out  
25 of -- out of discovery.



1 Q. So you wanted her to cross-examine the  
2 investigator about how she was laying?

3 A. Yeah, I wanted her ---

4 MS. KANEALEY: Objection, Your Honor,  
5 leading.

6 THE COURT: Overruled, it's non-jury, we're  
7 good. Go ahead and answer, if you need to, or if  
8 you could.

9 BY WITNESS:

10 A. Well, really I just wanted, you know,  
11 her, you know, to -- for it -- to ask him why would  
12 he feel that he needed to have to remove that --  
13 that, you know, particular evidence out of -- out of  
14 the package, which when I was being interrogated by  
15 them they showed me each one of the photos, that's  
16 how I know they were missing out of discovery,  
17 'cause I had seen them in -- during the  
18 interrogation without her. And I had mentioned it  
19 to her, and I mean that is -- maybe she forgot then,  
20 I don't know.

21 Q. What did you want her to cross-examine  
22 your motel supervisor on?

23 A. Well, he -- well, the -- he -- he was --  
24 he -- my motel supervisor, he was the one that I  
25 went -- when -- when I discovered my wife that

1 morning, I went and got him, and he followed me back  
2 to the room. And which -- when -- when we got to  
3 court she said he wasn't -- he wasn't there. And so  
4 if she had, you know, been communicating with me, I  
5 -- I could have told her that was not true, and then  
6 she could have fully examined why he wanted to go  
7 change -- change his story when we had -- we had  
8 written proof of that, you know, written in  
9 discovery that he was there with me, and video  
10 evidence.

11 Q. And you wanted her to cross-examine your  
12 brother more effectively, right?

13 A. Yeah. 'Cause he was the first person  
14 after my arrest that I really, really had talked to.  
15 He talked to me three times, which at the time I  
16 wasn't thinking that by him talking to me at the,  
17 you know, on the phone at the jail that everything  
18 was recorded, but by she, you know, not talking to  
19 me, I didn't know he was gonna be in here, 'cause I  
20 could have put her onto the fact that I could have,  
21 you know, you know, corroborated what I was talking  
22 about, 'cause I had it right there at the jail on  
23 the -- on the phone, on the recording. And plus I  
24 asked the guy at the jail, Mr. Maxwell, I think, how  
25 would I go about getting a copy of that, and he said

1 my -- my attorney had to submit for that.

2 Q. Are there any other issues that you wish  
3 to raise that you haven't already talked about?

4 A. I mean other than just, you know, that  
5 like I was just saying, that I didn't really think I  
6 had, you know, a fair chance at trial. I mean that  
7 -- that is basically what I'm -- I'm here for.

8 MS. MARTO: Nothing further, Your Honor.

9 THE COURT: Attorney General?

10 **CROSS-EXAMINATION**

11 BY MS. KANEALEY:

12 Q. You allege that counsel failed to  
13 discuss discovery with you, correct?

14 A. Right.

15 Q. And then you also just testified that  
16 she visited you and went over photos and discovery  
17 with you?

18 A. Yeah, but she -- she didn't bring the  
19 discovery. She just had some pictures just laying  
20 there, and -- and I took it on myself and picked the  
21 pictures up. And I told her, I said, "You know  
22 what? Some photos are missing of my wife's body."  
23 I told her that, and she -- and she made a note in  
24 her pad, "Well, you know, I'll check into that,"  
25 that's what she said, but I mean she didn't never

1     come back to me with it.

2                 Q.   Okay, and you also justified that she  
3     communicated with you a plea deal?

4                 A.   Well, that's when I -- when she -- that  
5     was the very first time I met her, she came and she  
6     said, "Well, you know," said, "the Solicitor's  
7     offered you 25," I think it was.

8                 Q.   Okay, and do you have these photos today  
9     that you say are missing?

10                A.   No, I don't, the police probably have  
11     them.

12                Q.   Okay. And as far as your story you just  
13     told about what happened that night, that was your  
14     first time telling that version of what happened,  
15     correct?

16                A.   No, I told my brother-in-law that on the  
17     phone.

18                Q.   Okay, and the police had asked you what  
19     happened, right?

20                A.   Well, basically, they -- they really  
21     wasn't asking me nothing. Basically, what they were  
22     trying to do is tell -- well, I'll tell you what  
23     they told me. They told me, "Well, you know, Mr.  
24     King, we -- we've been doing this for a long time,  
25     you know," and this and that. And then it looked

1 like they were trying to force me to say something  
2 that I really didn't want to say. I mean ---

3 Q. Okay.

4 A. -- there hadn't been no questions, it  
5 was more like they was telling me what they know,  
6 and what I didn't know.

7 Q. Okay, but you had multiple interviews  
8 with police, correct?

9 A. No, just the day of the incident and the  
10 day they arrested me.

11 Q. Okay, and the story you just told is not  
12 what you told them?

13 A. No, I didn't, they didn't ask.

14 MS. KANEALEY: Beg the Court's indulgence.

15 BY MS. KANEALEY:

16 Q. And just to clarify, you testified on  
17 direct you weren't sure if she was intoxicated?

18 A. I said I don't know -- I don't know how  
19 much she drank. I didn't -- I didn't say whether  
20 she was intoxicated or not. That's what everybody  
21 just assumed she was intoxicated, I mean they -- I  
22 -- I you have to take the coroner's report. I mean  
23 I don't know.

24 Q. Okay.

25 MS. KANEALEY: No further questions, Your

1 Honor.

2 MS. MARTO: No redirect.

3 THE COURT: All right, sir, thank you. You  
4 can step down.

5 WITNESS: Thank you.

6 MS. MARTO: I'd call Ms. Trasi Campbell.

7 \* \* \* \* \*

8 Trasi Campbell,

9 having been duly sworn,

10 testifies as follows:

11 \* \* \* \* \*

12 DIRECT EXAMINATION

13 BY MS. MARTO:

14 Q. Good morning.

15 A. Good morning.

16 Q. You represented Mr. King, right?

17 A. I did.

18 Q. Do you know how long you roughly  
19 represented him for?

20 A. The first notes in my file indicate that  
21 my office opened the file on June 8th, 2017, and I  
22 represented him through the trial in December of  
23 2019.

24 Q. Do you recall roughly how many times you  
25 talked to him about his case?

1           A. Over ten times.

2           Q. And were those jail visits, phone calls?  
3 What did they consist of?

4           A. I had a practice of going to the jail on  
5 Friday afternoons and rotating my clients, so it  
6 would have been at the jail. I'm sure that I spoke  
7 with him at bond hearings. I would also say that we  
8 communicated via letters as well. I sent him  
9 letters, he sent me letters.

10          Q. And what did those conversations like  
11 roughly consist of?

12          A. Well, according to my packet of attorney  
13 notes, I -- I took about five or six pages of notes  
14 here during our -- our first meeting or two, on my  
15 conversations with him, about what -- what he wanted  
16 me to do, what his version of the events were, what  
17 I needed to follow-up on. And then I have  
18 additional notes from a meeting later in June of  
19 2017 about his statement that he had given to law  
20 enforcement, but I didn't view it as necessarily a  
21 confession. I do have a note that there's a  
22 question about alcohol use by Veronica. And then in  
23 later notes from the meetings that I had with him,  
24 there was the issue that came up that we were going  
25 to use at trial, which was the grand mal seizures,

1 that she had some -- some bit of a documented --  
2 although it was hard to find, history of having  
3 seizures, and that was gonna be our trial strategy.

4 Q. And did you discuss that trial strategy  
5 with Mr. King?

6 A. I did.

7 Q. Did he seem to understand those  
8 conversations?

9 A. He did.

10 Q. Did you discuss the discovery with him?

11 A. I did. At the time -- so for about, I  
12 don't know, ten or so years I pretty much handled  
13 the -- the more difficult murders in the Circuit,  
14 and so I had my own investigator, and my own  
15 assistant. And so when she -- when all the evidence  
16 comes in, it would get downloaded and logged into  
17 different folders, and I would take the folders with  
18 me when I went over to meet with him, and we went  
19 through them all, every one of them, all the  
20 discovery from the State, yeah.

21 Q. Did he discuss with you a concern about  
22 some missing photographs?

23 A. I don't recall a conversation about a  
24 missing photograph, but I did review the photographs  
25 that were provided in discovery this morning



1 whenever I heard him testify. And these are the  
2 photographs that were provided. That I don't have a  
3 photograph depicting her in any other condition,  
4 other than the manner in which she was found and  
5 photographed by law enforcement. I did cross-  
6 examine the first responder EMS individual to try  
7 and set that up, and his answers to me in cross-  
8 examination, he basically said that she was laying  
9 in the manner that the photographs depicted when he  
10 found her, so I was just trying to figure out if  
11 there was any way to go further with that. And once  
12 he gave us that for sure, then I -- I -- I didn't  
13 pursue that any further.

14 Q. Did Mr. King make mention of her laying  
15 in a different position prior to trial?

16 A. Yeah, we talked a lot about his version  
17 of her being intoxicated, and when he said that, you  
18 know, he had found her in the shower, and he put her  
19 on the sofa and -- and covered her up, and basically  
20 let her go to sleep, and that was the, you know,  
21 long and short of -- of his -- his talk with me and  
22 conversations about what had happened to his wife.  
23 So we -- we definitely factored that in. It didn't  
24 necessarily match up exactly with the statement that  
25 was given to law enforcement, but it certainly was

1 part of my thought process during the trial.

2 Q. Did you use that -- Mr. King's narrative  
3 in cross-examination?

4 A. Mostly the -- the seizure aspect,  
5 because I was able to get the forensic pathologist  
6 to equivocate a bit on his findings. I -- I thought  
7 -- I mean I certainly argued that to the jury.

8 Q. Now, what were conversations about him  
9 testifying versus not testifying?

10 A. Well, obviously, I mean doing that, you  
11 know, I guess after 27 years it's very important to  
12 me in -- in these cases that that conversation is --  
13 is -- is a part of my representation. I mean it  
14 happens, and it's not just a fly by, you know, the  
15 seat of your pants kind of conver -- it's real. And  
16 I go over, you know, all of the points with -- with  
17 my client to make sure that he understands pros and  
18 cons, the risks, the benefits. I kind of made it a  
19 practice also that once they were advised on the  
20 record, you know, just to make sure it wasn't a  
21 quick answer, I would have an additional talk with  
22 them, and I certainly did it with Mr. King, I  
23 believe, as well, after they got the words from the  
24 Judge, and so we -- we did that.

25 Q. And was it Mr. King's decision not to

1 testify?

2 A. It was.

3 Q. Now, what was your cross-examination  
4 strategy when it came to his brother?

5 A. Can you point me to that in the  
6 transcript, and I'll take a quick look at -- look at  
7 it, and maybe it'll refresh my memory? Is that  
8 Jessie?

9 Q. Jerome Bates, starting with page 165,  
10 and I think cross-examination.

11 A. Okay.

12 Q. It looks like there was maybe no cross-  
13 examination of this witness.

14 A. So I'm reading his direct examination,  
15 and I think that on direct, if I'm reading it  
16 correctly on 169, he gave me what I needed for my  
17 defense. And I probably -- if I got -- if I got  
18 what I needed, I didn't risk cross-examining a  
19 witness and potentially opening the door, or having  
20 a -- having him say something that didn't fit the  
21 narrative, and so I thought best to leave him be,  
22 because I got what I needed. On line 12 through,  
23 you know, maybe 15 or 16 there, I think -- I think  
24 that fit the narrative, she was in the shower, she  
25 fell, hit her head, so -- which fit with the

1 seizures.

2 Q. And then what was your cross-examination  
3 strategy when it came to Mr. King's supervisor over  
4 at the motel?

5 A. Mr. Patel -- Mr. Patel in -- in our  
6 interviews with him, you know, I sent my  
7 investigator out there, I -- I thought, again, Mr.  
8 Patel was not very helpful to us, and so, again, did  
9 not want to rattle that cage, and -- and have a  
10 situation with him. I'm looking here. Yeah, I  
11 don't think he had done, you know, a whole lot of  
12 good for the State or damage to the defense, so I  
13 didn't -- I didn't want to, you know, mess -- mess  
14 with him and have an issue come up on something that  
15 I know that, you know, we had talked to him about.  
16 Didn't want to -- if -- if we got -- if we got past  
17 the point where he didn't bring all that up and the  
18 State didn't bring it in, I wasn't gonna risk  
19 opening that door.

20 Q. And so you didn't see any benefit in  
21 questioning him about whether he was in the hotel  
22 room before the cops came?

23 A. No.

24 MS. MARTO: One moment, Your Honor.

25 BY MS. MARTO:

1 Q. And you didn't see any benefit in asking  
2 Mr. Patel about the blanket or the position she was  
3 laying in?

4 A. If -- again, on my notes, I was not  
5 gonna get anything helpful from him, so no.

6 MS. MARTO: Nothing further, Your Honor.

7 THE COURT: Attorney General?

8 **CROSS-EXAMINATION**

9 BY MS. KANEALEY:

10 Q. To just clarify, were there, in fact,  
11 pictures of the victim's body in discovery?

12 A. Yes, ma'am.

13 Q. Okay, and do you stand by your  
14 representation today?

15 A. I have copies of the photographs that  
16 were provided to me by the State, yes, if that's the  
17 question. That -- that's all I've got.

18 MS. KANEALEY: I beg the Court's  
19 indulgence. No further questions, Your Honor.

20 THE COURT: All right, any ---

21 MS. MARTO: No redirect.

22 THE COURT: Ma'am, thank you very much.  
23 You can step down. Of course, you're free to go  
24 unless you've got other things for this morning. I  
25 can't remember ---

1 MS. CAMPBELL: I've got -- I've got one  
2 more with you, sir.

3 THE COURT: That's -- I think that's right,  
4 okay.

5 MS. CAMPBELL: Thank you, sir.

6 THE COURT: Thank you. All right, any ---

7 MS. MARTO: I have no further witnesses.

8 THE COURT: All right. Attorney General,  
9 anything from the State?

10 MS. KANEALEY: No, Your Honor.

11 **JUDGE'S RULING**

12 THE COURT: Very good. All right, it's my  
13 practice to -- to take matters under advisement, and  
14 I think that's appropriate in this case, especially  
15 since the amended application is something I'm --  
16 I'm seeing this morning, so I want to look back  
17 through that, and compare it against mine and my  
18 clerk's notes from the actual trial, but I'll enter  
19 a Form 4 order, hopefully, sometime later on this  
20 week, if there's nothing further.

21 MS. MARTO: Thank you, Judge.

22 THE COURT: All right.

23 MS. KANEALEY: Thank you.

24 THE COURT: Thank you. Pleasure to meet  
25 you all, take care.

(The hearing was concluded at 10:35 a.m.)

- - -END OF TRANSCRIPT- - -

**CERTIFICATE OF REPORTER**

I, Cathy L. Young, CVR-M, for the  
Fourteenth Judicial Circuit of the State of South  
Carolina, do hereby certify that the foregoing is a  
true, accurate and complete Transcript of Record of  
introduced in the hearing of the captioned case,  
relative to appear, in the Circuit Court for  
Beaufort County, South Carolina, on the 14th day of  
April, 2025.

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

A handwritten signature in black ink, reading "Cathy L. Young", is written over a horizontal dashed line.

Cathy L. Young, CVR-M

Court Reporter and Notary

Public in and for South Carolina

My Commission expires: 3-28-2029

## FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT  
IN THE COURT OF COMMON PLEAS

## JUDGMENT IN A CIVIL CASE

CASE NO. 2024-CP-07-01408

DALE E. KING

JERRI ANN ROSENEAU  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

STATE OF SOUTH CAROLINA

APPLICANT

DEFENDANT

Submitted by: COURT

Attorney for : ☐ Plaintiff ☐ Defendant  
or  
☐ Self-Represented Litigant

## DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

**IT IS ORDERED AND ADJUDGED:** ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

This matter came before the Court on April 14, 2025 for a trial on Applicant's petition for Post-Conviction Relief. Mr. King was present and represented by Chelsey Marto, Esq. The State was represented by Assistant Attorney General Kylee Kanealey. The Court finds as follows:

Applicant's grounds for relief were ineffective assistance of counsel due to 1) failure to communicate with client or call him to testify, 2) failure to investigate discovery and the allegation of missing evidence, and 3) failure to interview witness.

As to the first ground, Applicant testified that he met with counsel only three times, that he was not informed of his defense until the day of trial, and that counsel instructed him not to take the stand or otherwise failed to review with him his right to testify or remain silent. Applicant's trial counsel, Trasi Campbell, Esq. testified that she met in-person with Applicant around ten times to discuss his case, met with Applicant at bond hearings, and they sent letters to each other throughout her representation. She further stated that Mr. King's decision not to testify was his alone after fully reviewing with him the risks and benefits of him testifying. Upon a review of the record, the defense was that the decedent suffered a grand mal seizure. The Court finds the testimony of trial counsel more credible than that of Mr. King on this issue, and counsel fully presented Mr. King's defense which the jury rejected.



As to the second ground, Applicant made allegations that the discovery Ms. Campbell shared had missing pictures of the victim, and that he saw these pictures when being interrogated by the police. Ms. Campbell testified that Applicant did not discuss missing photos with her and that there were no pictures missing from discovery. After reviewing the record and listening to testimony, this Court finds that discovery was fully provided, Mr. King's recollection is likely faulty, and Applicant has not made a threshold showing that the photo even existed. Furthermore, to the extent an additional photograph showing the position of the decedent's body may exist or may have existed, Applicant suffered no prejudice; the testimony of the EMS witness did not support the "different position" theory to which Applicant testified at the PCR.

Concerning the third ground, Ms. Campbell testified that, when the motel manager testified, she did not see a benefit in cross-examining him because she "got what [she] needed" from him and did not want to risk further testimony damaging the defense. Counsel articulated a very valid trial strategy in not asking additional questions of this witness. Counsel's explanation as to why she did not call Mr. Patel was also valid. Counsel's investigator had spoken with that witness, and his testimony was not going to be helpful for the defense.

Accordingly, the Court finds that trial Counsel was not ineffective; to the contrary, counsel presented a vigorous defense. To the extent additional objections, questions, or testimony could have been offered, Applicant has not shown any prejudice in counsel's omissions. Therefore, Mr. King's application for PCR is denied. The Court requests that Attorney General Kanealey prepare a more formal order within thirty (30) days reflecting this Court's ruling.

#### ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

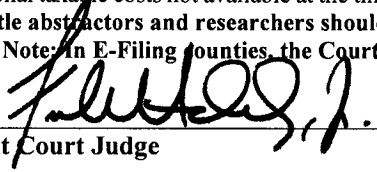
| INFORMATION FOR THE JUDGMENT INDEX                                                                                                                                                                           |                                          |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------|
| Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below. |                                          |                                                             |
| Judgment in Favor of<br>(List name(s) below)                                                                                                                                                                 | Judgment Against<br>(List name(s) below) | Judgment Amount To be<br>Enrolled<br>(List amount(s) below) |
|                                                                                                                                                                                                              |                                          | \$                                                          |
|                                                                                                                                                                                                              |                                          | \$                                                          |
|                                                                                                                                                                                                              |                                          | \$                                                          |
| If applicable, describe the property, including tax map information and address, referenced in the order:                                                                                                    |                                          |                                                             |

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

**Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

  
Circuit Court Judge

2159

Judge Code

May 4, 2025

Date

### For Clerk of Court Office Use Only

This judgment was entered on the 12 day of May, 2023 and a copy mailed first class or placed in the appropriate attorney's box on this 12 day of May, 2023 to attorneys of record or to parties (when appearing pro se) as follows:

Chelsey Marto, Esq.

Kylee Kanealey, Esq.

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

  
CLERK OF COURT

**Court Reporter: Cathy Young**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.**

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF BEAUFORT ) FOURTEENTH JUDICIAL CIRCUIT

2025 MAY 23 PM 4:40

Dale E. King, #381842,

CASE NO. 2024-CP-07-01408

JERRI ANN ROSENBAUM  
BEAUFORT COUNTY, S.C.  
Applicant, CLERK OF COURT

v.

**ORDER OF DISMISSAL**

State of South Carolina,

Respondent.

**THIS MATTER CAME BEFORE THE COURT** by way of Applicant Dale E. King's application for post-conviction relief (PCR) filed on June 25, 2024. Respondent filed its Return requesting an evidentiary hearing.

On April 14 2025, an evidentiary hearing was held at the Beaufort County Courthouse. Applicant was present and represented by Chelsey Marto, Esquire. Assistant Attorney General Kylee Kanealey represented Respondent. Applicant proceeded forward on the claims in his amended application. In support of these claims Applicant testified on his own behalf and presented the testimony of Trasi Campbell (Trial Counsel).

Following a thorough review of the record, along with the testimony and evidence presented at the hearing, this Court finds Applicant has failed to establish any constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismisses this action with prejudice.

#### PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a thirty-five (35) year sentence. In October 2018, the Beaufort County Grand Jury indicted Applicant for murder (2017-GS-07-00810). On December 9-11 2019, Applicant proceeded to a jury trial

before the Honorable Edgar W. Dickson. Trasi Campbell, Esquire, represented Applicant. Assistant Solicitors Kimberly Smith and Hunter Swanson represented the State. Following his conviction, Judge Dickson sentenced Applicant to thirty-five years' imprisonment for murder.

On December 17, 2019, Applicant filed a timely notice of appeal. Applicant's appeal was perfected by Appellate Defender Adam Sinclair Ruffin in which the following issues were raised:

- I. Whether the trial judge erred in failing to grant a mistrial after instructing the jury in his opening remarks that a trial was a search for the truth, where such an instruction impermissibly shifted the burden of proof to the defendant?
- II. Whether the trial judge erred in failing to grant a mistrial after the decedent's sister testified that she advised the decedent to end her relationship with Appellant because Appellant physically assaulted her, where the trial judge ruled such testimony was inadmissible?
- III. Whether the trial judge erred in allowing testimony that Appellant physically assaulted the victim two months prior to her death, where the prior assault was not probative of intent or lack of mistake or accident, and any probative value was substantially outweighed by the danger of unfair prejudice?

The South Carolina Court of Appeals affirmed Applicant's conviction on the merits. State v. King, Op. No. 2023-UP-091 (S.C. Ct. App. Filed March 15, 2023). The Remittitur was sent on March 31, 2023, but recalled on April 28, 2023. Applicant filed a Petition for Rehearing, which was denied. Applicant then filed a Petition for Writ of Certiorari with the South Carolina Supreme Court. On May 21, 2024, the South Carolina Supreme Court denied Certiorari, and the Remittitur was filed May 22, 2024.

#### CURRENT ACTION

On June 25, 2024, Applicant filed this PCR action alleging he is being held in custody unlawfully based on the following allegations:

- 1) "Ineffective Assistance of Counsel"
  - a. "Failure to communicate with client"
  - b. "Failure to investigate requests for missing vital evidence in my case"

## c. "Failure to talk/ interview witnesses"

As relief, Applicant requested a new trial, or dismissal of conviction of all charges.

On April 9, Applicant filed an amended Application alleging:

- 1) Ineffective assistance of counsel for:
  - a. Failure to communicate with Applicant.
  - b. Failure to meet enough.
  - c. Failure to discuss discovery with Applicant.
  - d. Failure to develop a valid trial defense and communicate it with Applicant.
    - i. Failure to argue that the victim was so intoxicated she passed out on her own.
    - ii. Failure to argue that if Applicant killed the victim, why would he have covered her with a blanket.
    - iii. Failure to argue that if Applicant killed her, she would have been laying in a different position.
  - e. Failure to properly cross-examine:
    - i. Applicant's supervisor.
    - ii. Investigators regarding how she was laying and that she had a blanket on her.
    - iii. Brother concerning how Applicant's story did not change.
  - f. Failure to investigate photos police showed him during investigation that were not in discovery.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the records before it, including the Beaufort County Clerk of Court records of the underlying conviction, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant

has failed to carry his burden of proof. Below are the Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

***Ineffective Assistance of Counsel***

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudice applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to received relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. at 117-18, 386 S.E.2d at 625.

***Failure to Meet/Communicate with Client<sup>1</sup>***

Applicant alleged Trial Counsel was ineffective for failing to meet and communicate with Applicant. Applicant did not prove this ground.

Federal case law holds that there is no constitutional minimum number of meetings between attorneys and their clients to satisfy competency. Campbell v. Polk, 447 F.3d 270, 279 fn.2 (4<sup>th</sup> Cir. 2006). "Brevity of time spent in consultation, without more, does not establish that counsel was ineffective," Easter v. Estelle, 609 F.2d 756, 759 (5<sup>th</sup> Cir. 1980) (holding that it is not

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<sup>1</sup> This addresses allegations 1(a) and 1(b).

enough to merely show that counsel only met with his client twice before trial as long as counsel devoted sufficient time to ensure an adequate defense and to become thoroughly familiar with the facts of the case and the law applicable to the case, and holding the record revealed that counsel was so prepared.).

At the PCR hearing, trial counsel Trasi Campbell credibly testified that she met in person with Applicant around ten (10) times to discuss his case, met with Applicant at bond hearings, and communicated through sending letters throughout her representation. Applicant's testimony that he met with counsel only three (3) times and that he was not informed of his defense until the day of trial is not credible. Trial Counsel credibly testified that she met with Applicant and discussed the trial strategy and that he understood the strategy. This Court finds that counsel adequately met with Applicant and communicated with him regarding his case. Applicant has failed to show deficiency.

Further, Applicant failed to prove prejudice. This Court has reviewed the records and finds trial counsel was fully prepared, and Applicant failed to show how additional meetings with Applicant would have resulted in a different outcome at trial. The record reflects that trial counsel prepared Applicant by reviewing Applicant's discovery and discussing trial strategy with him. Applicant has provided no evidence that any additional meetings would have affected the trial and thus failed to prove prejudice. Therefore, this claim is denied.

*Failure to Discuss Discovery/ Investigate Photos<sup>2</sup>*

Applicant alleged trial counsel failed to discuss discovery with Applicant and failed to investigate photos police showed him that were not subsequently produced in discovery. This Court finds Applicant has failed to prove this ground. At the PCR hearing, Applicant testified that

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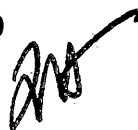
<sup>2</sup> This addresses allegations 1(c) and 1(f).

the discovery that trial counsel shared with him did not include “missing pictures” of the victim that police showed him in his interrogation. Applicant testified he told trial counsel that photos were missing when they reviewed discovery. This Court finds this testimony not credible. Applicant did not present these alleged missing photographs at the PCR hearing and has not made a threshold showing that the photos even existed. Further, trial counsel credibly testified Applicant did not discuss missing photos with her and no photos appeared to be missing from discovery. Critically, this testimony, that he reviewed discovery with trial counsel and told her that photos were missing, directly negates his allegation that trial counsel failed to discuss discovery with him. This Court finds discovery was fully provided and reviewed with Applicant.

Further, to the extent additional photographs showing the position of the decedent’s body existed, Applicant failed to prove prejudice. Initially, the testimony of the EMS witness did not support the “different position” theory to which Applicant testified to at the PCR hearing. Thus, the existence of these additional photos of the decedent’s body would not have affected the trial. See Cherry supra. Further, as noted, Applicant did not produce these photographs at the PCR hearing – leaving this court to speculate as to whether they even existed and what impact, if any, they may have had at trial. Therefore, Applicant has failed to prove deficiency or prejudice; therefore, this claim is denied.

*Failure to Develop a Valid Trial Defense*

Applicant alleged trial counsel failed to develop a valid trial defense. More specifically, Applicant contends counsel failed to argue that the victim was so intoxicated she passed out on her own; failed to argue that if Applicant would not have covered the victim with a blanket if he killed her; and failed to argue the victim would be lying in a different position. Applicant also alleged at the PCR hearing that trial counsel advised him not to testify and he “followed her lead.” Applicant





did not prove this ground. Trial counsel's strategy was the victim had a history of seizures which ultimately caused her accidental death. Trial counsel credibly testified that she discussed the strategy with Applicant, and he understood. Trial counsel credibly testified that her representation included discussing with Applicant whether he should testify, that she discussed the pros and cons of doing so, and that she spoke with Applicant again concerning testifying after the judge advised him of his 5<sup>th</sup> Amendment rights. Trial counsel credibly testified it was Applicant's decision not to testify. This Court finds trial counsel adequately explained the pros and cons of testifying, but ultimately it was Applicant's decision not to testify. Trial counsel's advice was reasonable under prevailing professional norms; thus, Applicant has not shown trial counsel was deficient. Additionally, the defenses Applicant alleges should have been presented were not supported by evidence at the trial. This Court finds trial counsel presented a vigorous defense at trial and was not deficient for failing to argue Applicant's newly conceived "defenses".

Applicant's version of events told to law enforcement, other witnesses, and at the PCR hearing were *consistently inconsistent*. Therefore, Applicant cannot show that, if he had taken the stand and testified, the outcome of trial would have been different. This Court finds it was Applicant – not trial counsel – who decided not to testify, and his decision was made freely, voluntarily, and intelligently, as evidenced by the colloquy with the trial court. Further, Applicant has not shown a reasonable probability the outcome would be different had trial counsel argued the alternative defenses he presented at the PCR hearing. See Cherry supra. The record reflects the cause of death was strangulation around the victim's neck. Applicant's "defenses," that she was so intoxicated she passed out, that he would not have put a blanket on her if he had killed her, and that the victim would have been laying in a different position, are not *in any way* supported by

evidence or constitute viable defenses. This Court finds Applicant has failed to prove deficiency and prejudice; therefore, this claim is denied.

*Failure to Properly Cross-Examine*

Applicant alleged trial counsel was ineffective for failing to properly cross-examine witnesses. More specifically, he contends counsel did not properly cross-examine: (1) Applicant's supervisor; (2) investigators regarding how the victim was laying and that she had a blanket on her; and (3) the victim's brother concerning how Applicant's story did not change. This Court finds Applicant failed to prove this ground.

Trial Counsel testified the supervisor was not very helpful. Trial Counsel testified that the witness' testimony had appreciably benefited the State's case or damaged the defense, and she did not want to risk opening the door. Trial counsel testified there was no benefit to questioning him regarding whether he was in the hotel room. Trial counsel testified that the brother gave her what she needed for the defense, and she did not want to risk opening the door and having him say something that was not helpful. As far as cross-examining the investigators, trial counsel testified that there were pictures of the body in discovery. The record supports this testimony.

This Court finds cross-examination is a matter of trial strategy, and Applicant has failed to overcome the presumption that trial counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). Trial counsel articulated a very valid trial strategy in not asking additional questions from these witnesses. Applicant has failed to prove trial counsel was deficient.



Further, Applicant has failed to show how further cross-examination of these witnesses would have meaningfully affected the trial's outcome. See Cherry supra. Trial counsel testified that there was no benefit in further questioning these witnesses and that doing so would have potentially harmed the defense. Applicant did not show how further cross examining the motel supervisor would have made any difference in the outcome of trial. The record reflects that photos of the victim's body were entered into evidence, so cross-examining investigators as to the position of the body would not have made any difference in the trial's outcome. The record indicates that Applicant's version of events changed *numerous* times, so further cross-examining the brother about how "his story did not change" would not have made any difference in the outcome of trial. Applicant has failed to show prejudice. This Court finds Applicant has failed to prove deficiency and prejudice, and this claim is denied.

#### CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations requiring this Court to grant his application. Therefore, this application for post-conviction relief is **DENIED and DISMISSED WITH PREJUDICE**.

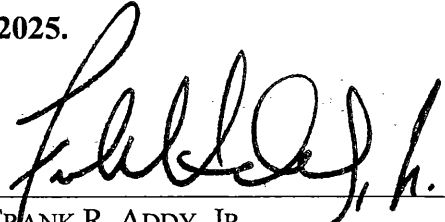
Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty (30) days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.



**IT IS THEREFORE ORDERED:**

1. Dale E. King's application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Mr. King shall be remanded to and remain in the custody of the South Carolina Department of Corrections.

**IT IS SO ORDERED this 16<sup>th</sup> day of May, 2025.**



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FRANK R. ADDY, JR.  
Presiding Circuit Judge  
Fourteenth Judicial Circuit

Greenwood, South Carolina

**WITNESSES**

Josh Dowling- Bft PD

DOCKET NO. 2017GS0700810

**The State of South Carolina**  
**County of Beaufort**

371  
After being fully advised as to my  
legal rights, I hereby waive  
presentment to the Grand Jury.

Defendant

**COURT OF GENERAL SESSIONS**

October Term 2018

I  
hereby appear in my own proper  
person and plead guilty to the within  
indictment or to

**THE STATE**

vs.

Dale Eugene King

**ARREST WARRANT NUMBER**

2017A0720600138

**Indictment For**

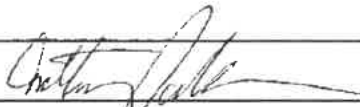
**Murder**

SC Code: 16-3-10

CDR Code: 0116

**ACTION OF GRAND JURY**

**True Bill**

  
Foreperson of Grand Jury

Date: 10-18-18

Defendant

**VERDICT**

**Guilty**

Witness:

  
Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA )

INDICTMENT

COUNTY OF BEAUFORT )

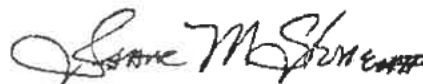
2017GS0700810

At a Court of General Sessions, convened on October 18, 2018, the Grand Jurors of Beaufort County present upon their oath:

**Murder**

That in Beaufort County, South Carolina, between May 15<sup>th</sup> and 16<sup>th</sup> of 2017, the Defendant, Dale Eugene King, did, with malice aforethought, kill Veronica King and Veronica King did die as a proximate result of Dale 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.



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Solicitor

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