IN THE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Colleton County
The Honorable Clifton Newman, Circuit Court Judge
Appellate Case No. 2026-000656

THE STATE, RESPONDENT

v.

RITA M. PANGALANGAN, APPELLANT

Opinion No. 2026-UP-018 (S.C. Ct. App. Filed January 21, 2026)

RETURN TO PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

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TABLE OF CONTENTS

PETITIONER'S QUESTIONS PRESENTED

1. Did the Court of Appeals err in finding the trial court did not abuse its discretion in admitting testimony that Petitioner frequently left her daughter unattended in a vehicle when the State failed to prove the prior bad act by clear and convincing evidence, Petitioner did not testify, that testimony does not show a common scheme or plan or constitute *res gestae,* and the striking similarity of the testimony to the charged criminal offense enhanced the substantial unfair prejudice to Petitioner?

2. Did the Court of Appeals err in finding the trial court did not abuse its discretion in admitting unfairly prejudicial photographs of the daughter's corpse with a white sheet and coroner's tag and in finding Petitioner did not preserve the error admitting an irrelevant photograph of a gun found in the vehicle when the photos served no legitimate purpose and were calculated to arouse the sympathies and prejudices of the jury?

3. Did the Court of Appeals err in finding the trial court did not abuse its discretion in denying Petitioner's motion for a mistrial based on the cumulative errors of admitting the prior bad act evidence and photographs, and in finding Petitioner did not preserve any error related to the State's improper closing argument that was calculated to arouse the passions and prejudice of the jurors?

4. Did the Court of Appeals err in finding the trial court did not abuse its discretion in denying Petitioner's motion for attorney-conducted voir dire when the current procedure denies Petitioner's right to a fair trial by a panel of impartial jurors who were selected using a fundamentally fair procedure?

RESPONDENT'S COUNTER STATEMENT OF QUESTIONS PRESENTED

1. Did the Court of Appeals err in affirming the decision of the trial court in allowing into evidence Petitioner's prior statement and previous neglect of the victim revealing a common scheme or plan and a lack of mistake or accident, making it lawful pursuant to Rule 404(b) of the South Carolina rules of evidence?

2. Did the Court of Appeals err in ruling that that trial court did not err in allowing photographs of the victim into evidence because they corroborated the testimony of the medical examiner and Petitioner failed to object on the record regarding the photograph of the gun, so this issue was not preserved for appeal?

3. Did the Court of Appeals err in finding that the trial court did not abuse discretion when they decided to deny Petitioner's motion for a mistrial when Petitioner could not reveal any error, so they were not entitled to a mistrial based on the cumulative error doctrine?

4. Did the Court of Appeals err in finding that the trial court did not abuse their discretion when denying Petitioner individual voir dire when it is totally up to the trial court whether or not to have individual attorney led voir dire?

STATEMENT OF THE CASE

On August 6, 2020, a Colleton County Grand Jury indicted Petitioner for the offense of murder and great bodily injury to a child. (App. p. 839, 841, 843) Petitioner was later indicted on October 6, 2022, for the offense of criminal conspiracy. Petitioner's co-defendant Larry King was also indicted for the same offenses.

On August 28, 2023, Petitioner appeared before the Honorable Clifton Newman to stand trial for all of these offenses. Petitioner was tried simultaneously with her co-defendant. Appearing on behalf of the Appellant was her trial counsel Dayne Phillips, representing her co-defendant was attorneys Jon Loy and Gil Gatch. Representing the State of South Carolina was Solicitor, I. McDuffie Stone and Assistant Solicitor Sean Thornton of the Fourteenth Circuit Solicitor's office.

After five days of testimony, a jury of her peers found Petitioner guilty of murder and great bodily injury to a child, but not guilty of criminal conspiracy. (App. p. 771 l. 21 – p. 774 l. 7). After the reading of the verdict, Petitioner appeared before the trial judge for sentencing. The Petitioner was sentenced to a thirty-seven-year period of incarceration for the offense of murder; and twenty years for great bodily injury to a child. The trial court ordered that these sentences were to be served concurrently. (App. p. 818 l. 7-12). While serving her sentence the Petitioner filed a timely notice of appeal before the South Carolina Court of Appeals.

On November 3, 2025, the Court of Appeals issued an unpublished opinion affirming the decision of the trial court. *State v. Pangalangan,* Op. No. 2026-UP-018 (S.C. Ct. App. filed January 21, 2026). In this case Judges McDonald, Hewitt, and Turner unanimously decided that the trial court did not err in allowing testimony from two witnesses regarding statements made by the Petitioner; and prior instances of neglect toward the victim; and the argument against the photograph of a gun going into evidence was not preserved; that the trial court did not err in

allowing photographs of the victim into evidence; that the trial court did not abuse discretion in denying the Petitioner's motion for a mistrial due to cumulative errors; and, the trial court did not abuse discretion in not allowing attorney led voir dire.

Petitioner now files this petition for writ of certiorari. Petitioner argues that the Court of Appeals erred in affirming the decisions of the trial judge. The Respondent will argue that the Petitioner has failed to reveal how the Court of Appeals erred when the statements of the witnesses related to a common scheme or plan and revealed that these events were not accidental; that photographs of the victim corroborated the testimony of the medical examiner; that an objection of a photograph of a gun being placed into evidence was not preserved for appeal; Petitioner was not entitled to a mistrial based on cumulative errors; and the trial court did not abuse discretion in not allowing attorney led voir dire. The Respondent would respectfully request this Court dismiss this petition.

WHY CERTIORARI SHOULD BE DENIED

The Supreme Court reviews the Court of Appeals by writ of certiorari only where special reasons exist to justify the exercise of that power. *Douglas v. State,* 369 S.C. 213, 216, 631 S.E.2d 542, 544 (2000). Pursuant to Rule 242 of the South Carolina Rules of the Appellate Court, "a writ of certiorari is not a matter of right, but of sound judicial discretion and will be granted only where there are special and important reasons. The following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicates the character of reasons which will be considered:

1. Where there are novel questions of law;
2. Where there is a dissent in the question of the Court of Appeals;
3. Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court;
4. Where substantial issues are directly involved;
5. Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court."

Rule 242 SCACR.

In reviewing each of these criteria, none apply to the present case. The Court Appeals properly and unanimously affirmed the decision of the trial court. There have been numerous South Carolina Supreme Court decisions that address Rule 404(b); the introduction of crime scene photographs; the availability of mistrials due to cumulative errors; and the discretion of the trial court to allow attorney led voir dire. These are not novel questions of law.

There was no Constitutional question raised by Petitioner; the decision of the Court of Appeals was not in conflict with any prior decision made by this Court; there was no federal question included within the Court of Appeals opinion that conflicted with a prior opinion made

by the United States Supreme Court, and the decision was unanimous. The Court of Appeals decision was lawful, so their opinion should not be subject to review by this Court.

STATEMENT OF FACTS

On August 5, 2019, at 11:16am, Petitioner along with her co-defendant, placed the Petitioner's thirteen-year-old daughter (victim) into the Petitioner's vehicle during a hot August South Carolina summer day. The victim suffered from cerebral palsy, so she could not walk nor talk. (App. p. 333 l. 10-15). Victim also wore a diaper and could only "gaggle like a baby." (App. p. 321 l. 7-12; p. 315 l. 7-14). The victim also did not have the use of her hands, so she was unable to open doors. (App. p. 336 l. 1-3). At the time of the incident Petitioner and her co-defendant were in a relationship. (App. p. 568 l. 20-25). After they placed the victim inside the Petitioner's vehicle, they closed the door with the windows up in the hot August South Carolina heat. While the victim was in the car Appellant and her co-defendant were having a conversation regarding the fact she was with another man. (App. p. 573 l. 18-19).

During the trial the co-defendant testified and admitted that they used methamphetamines and that they were up all night due to this drug use. (App. p. 574 l. 2-7). During the trial the co-defendant also testified that the car was running with the air conditioning on when they placed the child inside the car. (App. p. 576 l. 7-10). Home surveillance of the co-defendant camera was introduced and allowed into evidence. This home surveillance video revealed when the victim was placed in the vehicle by the co-defendant and what occurred afterwards.

Petitioner and co-defendant placed the victim inside the vehicle at 11:16am. After placing the victim inside the vehicle, Petitioner and her co-defendant stood outside the house, and went inside at 11:43am. They stayed inside the house from 11:43am till 1:45pm. At 2:03 Petitioner and her co-defendant went back inside the house, not once checking on the victim while she sat in that extremely hot car. They came back outside at 3:00pm. At that time Petitioner realized that she locked her keys inside the vehicle. At 3:52 both Petitioner and co-defendant left to go to the

Petitioner's residence to retrieve a spare car key. They did not return for almost an hour. When they returned they still could not get the door open, so they called a locksmith. The locksmith explained to them how to get the door open, and the co-defendant finally got the door open at 4:58pm. By that time they had left the victim inside that hot vehicle for over five hours. The co-defendant then decided to call 911. (App. p. 586 l. 7-13).

During trial, South Carolina Law Enforcement Division (SLED) agent Halley Godley testified. As one of the first officers to arrive on the scene she observed the victim lying on the ground. The co-defendant was walking around, while the Petitioner was inside the residence. (R. p. 277 l. 6-9; p. 292 l. 11-13). Paramedic Charles Jones also testified. Mr. Jones stated that when he arrived he found the victim lying on the ground beside the vehicle appearing not to be breathing. (App. p. 297 l. 7-10). Mr. Jones stated that he attached a cardiac monitor to the victim. The monitor revealed no registered heartbeat, so he declared the victim to be deceased. (App. p. 297 l. 19-21; p. 298 l. 12-15). After the Petitioner was arrested, blood was drawn for drug testing. (App. p. 340 l. 24 – p. 341 l. 4). Petitioner tested positive for methamphetamine and amphetamine. (App. p. 368 l. 5-6).

Dr. Andrew Grundstein also testified. Dr. Grundstein was found qualified as an expert in the field of climatology, with specificity on the effect heat has on people. (App. p. 395 l. 13-16; p. 397 l. 22). Dr. Grundstein's re-creation of the events revealed a car temperature of 118º, with the heat index, as high at135º. (App. p. 411 l. 4-7).

Dr. Nicholas Batalis also testified. Dr. Batalis was found qualified as an expert in the field of forensic pathology. (App. p. 501 l. 15-23). Dr. Batalis performed the autopsy on the victim. (App. p. 502 l. 3). Dr. Batalis testified that the victim's body temperature was measured at 109.9º, which was the maximum temperature that could be measured by the thermometer. (App. p. 502 l.

18-22). Dr. Batalis testified that the body shuts down at temperatures around 105º - 106º. The body was at 109º to 110º which would indicate that there was evidence of hyperthermia.[1] (App. p. 503 l. 7-12). Dr. Batalis testified that if the brain gets out of its normal temperature, it cannot function, and it is going to drive the other organs in the body to fail. (R. p. 504 l. 10-17). Dr. Batalis determined that the caused of death was hyperthermia due to neglect, the manner of death was homicide. (App. p. 501 l. 18-20).

ARGUMENTS

1. **The Court of Appeals did not err in ruling that the trial court allowing a previous statement by the Appellant into evidence was in fact *Res Gestae,* therefore, lawful pursuant to Rule 404(b) of the South Carolina rules of evidence.**

During the trial Ms. Brittany Honeycutt and Ms. Lindsey Lewis testified. Ms. Honeycutt testified that she and her two kids moved in with the Petitioner and the victim. Ms. Honeycutt stayed with the Petitioner from May of 2019 till August of 2019. (App. p. 327 l. 20-21). In July of 2019, Petitioner asked Ms. Honeycutt to watch the victim. Ms. Honeycutt replied that she couldn't because she had to work. Appellant kept asking, and Ms. Honeycutt continued to tell Petitioner that she couldn't because she had to work. Petitioner then told Ms. Honeycutt, "Just leave her in the car with the windows down because I do it all the time." (App. p. 336 l. 25 – p. 338 l. 7).

Ms. Lewis testified that she was once the victim's child development teacher. (App. p. 317 l. 10-11). Ms. Lewis was due to watch the victim, so three days before the incident date Ms. Lewis went to the Petitioner's house to get the victim's routine. (App. p. 317 l. 14-22). Ms. Lewis testified that after they went over the victim's routine Petitioner asked Ms. Lewis if she could watch the

[1] Hyperthermia is a medical term that means your internal (core) body temperature is higher that normal. This generally means your temperature is higher than 98.6 degrees Fahrenheit (37 degrees Celsius). Some people have a baseline temperature that's a bit higher or lower than that. Anything above your baseline is hyperthermia. Myclevlandclinc.org https./diseases/22111-hyperthermia (last visited on May 7, 2026)

victim for awhile so she and the co-defendant can to out on a date. (App. p. 322 l. 2-5). Ms. Lewis testified that Petitioner left the victim with her Friday night and she did not return until Sunday afternoon (App. 323 l. 2-16). Ms. Lewis testified that there was no food in the house, only Ensure drinks and Kook-Aid. (App. p. 324 l. 1-5).

The *res gestae* theory recognizes evidence of other bad acts may be an integral part of the crime with which the defendant is charged or may be needed to aid the fact finder in understanding the context in which the crime occurred. *State v. McGee,* 408 S.C. 278, 287, 758 S.E.2d 730, 735 (Ct. App. 2014). During pretrial Petitioner made a motion in limine to deny the testimony of Ms. Honeycutt and Ms. Lewis. The State argued that this evidence should come in under *res gestae.* Rule 404(b) of the South Carolina rules of Evidence adopted the criteria found in the South Carolina Supreme Court case of *State v. Lyle,* 125 S.C. 406, 118 S.E. 803 (1923). Rule 404(b) of the South Carolina Rules of Evidence specifically state:

> Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible to show motive, identity, the existence of a common scheme or plan, the absence of mistake or accident or intent.

Rule 404(b), SCRE.

The Court of Appeals found that this evidence was necessary to prove that the victim was left in the car in the past so this was not a mistake or accident. It also revealed a common scheme or plan often used done by Petitioner. Respondent argues this revealed a pattern of neglect. Petitioner believes that the striking similarity to this evidence and the events enhanced the unfair prejudice placed on Petitioner. The Respondent disagrees. The temporal proximity of the prior act should be closely related to the charged crime. *State v. Owens,* 346 S.C. 637, 652, 552 S.E.2d 745, 753 (2001), *overruled on other grounds by, State v. Cherry,* 363 S.C. 93, 610, S.E.2d 494 (2005). The events testified to by Ms. Honeycutt and Mr. Lewis occurred right before the criminal event. Ms.

Honeycutt testified that the statement made by the Petitioner occurred in July. The occurrence testified to by Ms. Lewis occurred four days before the incident.

Petitioner also argued that since she was not convicted of any offense, there was insufficient clear and convincing evidence to allow this information to be presented to the jury. Evidence of bad acts does not have to be proven beyond a reasonable doubt but need only to be proven by clear and convincing evidence. *State v. Pierce,* 326 S.C. 176, 485 S.E.2d 913 (1997). Where a witness's testimony is the sole evidence of a bad act, the determination of the witness's credibility must be left to the trial judge who saw and heard the witness and is therefore in a better position to evaluate the witness's veracity. *State v. Kirton,* 381 S.C. 7, 671 S.E.2d 107 (Ct. App. 2008); *State v. Tutton,* 354 S.C. 319, 580 S.E.2d 186 (Ct. App. 2003). Should the trial judge determine the witness's testimony clearly and convincingly establishes the bad act occurred, an appellate court is bound by the trial judge's factual findings unless clearly erroneous. *State v. Scott,* 405 S.C. 489, 748 S.E.2d 236 (Ct. App. 2013)); *Kirton,* 381 S.C. 7, 671 S.E.2d 107; *Tutton,* 354 S.C. 319, 580 S.E.2d 186. An appellate court will not conduct a *de novo* review of a trial judge's ruling on the admissibility of bad act evidence on the issue of whether the evidence rises to the level of clear and convincing evidence. *State v. Cheeseboro,* 346 S.C. 526, 552 S.E.2d 300 (2001); *State v. Perry,* 420 S.C. 643, 803 S.E.2d 899 (Ct. App. 2017). A trial judge's ruling admitting bad act evidence will be upheld on appeal if it is supported by any evidence. *Cheeseboro,* 346 S.C. 526, 552 S.E.2d 300; *State v. Smith,* 391 S.C. 353, 705 S.E.2d 491 (Ct. App. 2011), *reversed on other grounds,* 406 S.C. 215, 750 S.E.2d 612 (2013).

The Petitioner argued that the prior bad act evidence was like the one in which the Petitioner was accused of committing. The Court of Appeals was correct in determining that the prior bad acts revealed a common scheme or plan and this was not a mistake nor accident. The

main thing that the State needed to prove is that this was implied malice. During their opening argument Petitioner argued that this was not murder but a mistake and accidental. The prior bad act was essential in proving this was not true but an act that demonstrated total disregard of a human life. In order for a bad act to be admissible the temporal proximity of the prior act should be closely related to the charged crime. *McGee,* 408 S.C. at 288, 758 S.E.2d at 736. To reveal any common scheme or plan or any lack of a mistake or accident, the prior bad act must be related to the crime charged. In case of the common scheme or plan exception, a close degree of similarity between the prior bad act and the crime for which the defendant is on trial is necessary. *State v. Hough,* 325 S.C. 88, 95, 480 S.E.2d 77, 80 (1997). Prior bad act evidence is admissible where the evidence is of such close similarity to the charged offense that the previous act enhances the probative value of the evidence as to outweigh the prejudicial effect. *State v. Raffaldt,* 318 S.C. 110, 114, 456 S.E.2d 390, 392 (1995).

When the Petitioner told Ms. Honeycutt to "just leave her in the car with the windows down because **I do it all the time**," this definitely revealed a common scheme or plan. This statement also revealed that placing her daughter in this hot car was not an accident. The prior statement of the Petitioner to Ms. Honeycutt was relevant and admissible. When a criminal defendant's prior bad acts are directed toward the same victim and are very similar in nature, those acts are admissible as a common scheme or plan. *State v. Martucci,* 380 S.C. 232, 255, 669 S.E.2d 598, 610 (2008).

The evidence of the prior bad acts was testimony from two lay witnesses, however, any questions about their credibility is a question of fact that must be determined by the jury. *See, State v. Wilson,* 345 S.C. 1, 545 S.E.2d 827 (2001)(Issue of credibility of defendant's girlfriend was for

the jury and thus, did not preclude admission of the testimony). The determination of the Court of Appeals affirming the decision of the trial court was lawful and should not be subject to review.

2. **The Court of Appeals did not err in affirming the trial court decision in allowing relevant photographs of the victim into evidence because these photographs corroborated the testimony of the medical examiner, and that the objection to the photograph of the gun was not preserved for appeal.**

During trial Petitioner contested the introduction of photographs of the victim as she was at the scene. These photographs revealed an undernourished girl, wearing a diaper, hair matted due to the sweat from the heat, with burn marks and welts on her legs due to the heat from the interior of the car. These photos also showed her in an advanced state of decomposition due to the excessive heat. (App. p. 510 l. 21-25). The Court of Appeals ruled that the trial court did not err in allowing these photographs into evidence due to them corroborating the testimony of Dr. Batalis regarding the child's cause of death.

If the offered photograph serves to corroborate testimony, it is not an abuse of discretion to admit it. *State v. Nance,* 320 S.C. 501, 508, 466 S.E.2d 349, 353 (1996). These photographs corroborate the testimony made during trial. During trial Dr. Batalis stated that once the victim was found there was skin slippage which is a breakdown process of the body or what is otherwise called decomposition. (App. p. 517 l. 11-13). Dr. Batalis also testified that when temperatures are high, decomposition is going to occur at a must quicker rate than when the temperature is lower. (App. p. 517 l. 17-19). Dr. Batalis also stated how there were "leathery type lesions" which tells us there was some type of actual burn. (App. p. 517 l. 20-23).

During his testimony Dr. Batalis explained how the photographs revealed the condition of the body when it was found and how they corroborated his testimony. During this testimony Dr. Batalis explained:

> "So this photograph here illustrates the kind of two different lesions that we're talking about. So up on the upper aspect of the left thigh here, you can see that there's very thin appearance, kind of a wispy appearance to the skin. That would be more what I'm speaking of the skin slippage, so part of the breakdown process of the body." (App. p. 520 l. 7-14).
>
> "But in addition to just that, you can see here on the lower part of the left leg we have his lesion where the skin was more ulcerated away. You can see some areas on the knee on the leg that appear different than up here, where we don't have an appearance of it." (App. p. 520 l. 15-20).
>
> "So again to me that would say these areas were likely in contact with something in the area that caused a direct burn or injury to the skin, and we also have areas that show that decomposition is there now." (App. p. 520 l. 21-25).

These photographs of the condition of the victim were imperative due to the fact Petitioner's co-defendant testified that the air conditioner was turned on when the victim was placed inside the vehicle. The burn marks on the body, were due to the victim's leg being in contact with something that caused a direct burn or injury to the skin. (App. p. 520 l. 21-24). These photographs also revealed her hair matted with sweat due to the high temperatures generated inside the vehicle. This proves that the air conditioning was not on when the victim was placed inside this vehicle.

These photographs might have been unconformable to look at, but they were needed to corroborate the testimony of Dr. Batalis which makes these photographs admissible. As this court determined in *Collins,* "Courts must often grapple with disturbing and unpleasant cases, but that does not justify preventing essential evidence from being considered by the jury, which is charged with the solemn duty of acting as the fact-finder. *State v. Collins,* 409 S.C. 524, 534, 763 S.E.2d 22, 28 (2014).

The Court of Appeals was also correct in determining that Petitioner failed to preserve the issue regarding the photograph of the gun found in the back seat. The trial exhibits that were allowed into evidence included a photograph of a gun. Prior to that photo coming into evidence

Petitioner's counsel held a bench conference, the photo was later introduced into evidence as, the trial judge allowed the evidence to be "admitted over objection." (App. p. 309 l. 24-25).

The Court of Appeals ruled that this was not preserved for appeal so this cannot be considered. The Court of Appeals was correct in that decision. An objection to be preserved must be made on the record with a ruling by the court. Appellate court cannot consider issues raised for the first time on appeal. Therefore issues not raised and ruled upon in circuit court will not be considered for appeal. *State v. Bonilla,* 429 S.C. 253, 284, 838 S.E.2d 1, 17 (2019).

An objection made during an off-the-record conference which is not made part of the record does not preserve the question for review. *York v. Conway Ford, Inc.*, 325 S.C. 170, 172, 480 S.E.2d 726, 728 (1997). The Court of Appeals was correct in their ruling; this was not preserved. The Court of Appeals cannot address an issue not raised to the trial court. *Austin v. Specialty Transp. Services, Inc.* 358 S.C. 298, 315, 594 S.E.2d 867, 876 (2004). The objection to this photograph was not preserved for appeal so the Court of Appeals made the correct decision in not considering the issue raised by the Petitioner regarding the photograph of the gun.

3. The Court of Appeals was correct in finding that the trial court did not abuse discretion in denying the motion for a mistrial, Petitioner could not show error, so he was not entitled to a mistrial base on cumulative errors.

During the trial Petitioner moved for a mistrial, claiming cumulative errors. This motion was denied by the trial court. The Petitioner also moved for a mistrial due to statements made by Solicitor Stone during closing arguments. During his closing arguments, Solicitor Stone stated "if they had walked up to her and shot her, she wouldn't have suffered the pain that she suffered in this case. (App. p. 700 l. 2-7). Petitioner argued that this statement was prejudicial due to the fact a gun was found in the back seat of the vehicle that the victim died in.

The Court of Appeals ruled that the trial court did not err, the Petitioner was not entitled to a mistrial under cumulative error doctrine. The cumulative error doctrine provides relief to a party when a combination of errors, insignificant by themselves, has the effect of preventing the party from receiving a fair trial, and the cumulative effect of the errors affects the outcome of the trial. *State v. Johnson,* 334 S.C. 78, 93, 512 S.E.2d 795, 803 (1999). Petitioner has not revealed an error was committed by the trial court. The Petitioner has also failed to reveal that any of his allegations affected his right to a fair trial. An appellant must demonstrate more than error in order to qualify for reversal pursuant to the cumulative error doctrine; rather he must show the errors adversely affected his right to a fair trial to qualify for reversal on this ground. *State v. Beekman,* 405 S.C. 225, 237, 746 S.E.2d 483, 490 (2013).

The Court of Appeals ruled that the testimony made by Ms. Honeycutt and Ms. Lewis regarding Petitioner's statement and neglect of her daughter should be considered a common scheme or plan and also revealing there was no mistake or accident. The Court of Appeals also ruled that photographs of the victim that were admitted were admissible. This was due to the fact these photographs corroborated the testimony of Dr. Nicolas Batalis, the medical examiner who performed the autopsy on the victim. These photographs were admissible due to the fact they corroborated the injuries, and showed the matted hair from sweat, and the burns due to the excessive heat inside that vehicle. The Court of Appeals also ruled that the photograph of the gun found in the back seat was admissible because this issue was not preserved for appeal by Petitioner's trial counsel.

The Court of Appeals found that there was no error committed by the trial judge. Since no error occurred, Petitioner was not entitled to a mistrial due to the cumulative error doctrine. This decision of the Court of Appeals should not be subject to review by this Court.

The Petitioner also moved for a mistrial due to Solicitor Stone's closing argument This objection was made after the jury charges were given and during jury deliberations. This motion was rightfully denied by the trial court. The Court of Appeals correctly ruled that Petitioner was not entitled a mistrial because this motion was not preserved for appeal. The proper course to be pursued when counsel makes an improper argument is for opposing counsel to *immediately* object and to have a record made of the statements or language complained of and to ask the court for a distinct ruling thereon. *State v. Black,* 319 S.C. 515, 521, 462 S.E.2d 311, 315 (1995)(emphasis in original), *citing, Varnadore v. Nationwide Mut. Ins. Co.* 289 S.C. 155, 345 S.E.2d 711 (1986).[2] Since this objection and motion for mistrial was not made immediately but after the jury began deliberations the Court of Appeals was correct in deciding this was not preserved for appeal.

4. **It is totally up to the trial court to allow individual voir dire; the Court of Appeals was correct in determining that the trial court did not err in deciding that individual voir dire was not necessary in the present case.**

During pre-trial proceedings Petitioner requested the court allow individual attorney led voir dire. The trial court found that there was no precedence within South Carolina law guaranteeing individual voir dire. So this motion was denied. The South Carolina Court of Appeals affirmed the decision of the trial court.

The Court of Appeals correctly ruled that the conduct of a criminal trial is left largely to the sound discretion of the trial judge, who will not be reversed in the absence of prejudicial abuse of discretion. *State v. Bryant,* 372 S.C. 305, 312, 642 S.E.2d 582, 586 (2007). Voir Dire in South

[2] Holding a defendant failed to contemporaneously object to the State's closing argument because although counsel objected and moved for a mistrial during the argument, he waited until after court's charge and the jury began deliberations to state the basis for his objection and mistrial motion. *State v. Black,* 319 S.C. 515, 462 S.E.2d 311 (Ct. App. 1995).

Carolina allows a party to call to the trial court's attention any juror that may be partial to either party. The South Carolina Code of Law specifically state:

> The court shall, on motion of either party in the suit, examine on oath of any person who is called as a juror to know whether he is related to any party, has any interest in the cause, has expressed or formed any opinion, or is sensible of any bias or prejudice therein, and the party objecting to the juror may introduce any other competent evidence in support of the objection. If it appears to the court that the juror is not indifferent in the cause, he must be placed aside as to the trial of that case, and another must be called.

S.C. Code Ann. §14-7-1020 (1986).

The Court of Appeals determined that under this section, whether counsel is permitted to conduct the voir dire examination of juror[s] is within the discretion of the trial court. *State v. Smart,* 274 S.C. 303, 305, 262 S.E.2d 911, 912 (1980) It is the authority and responsibility of the trial court to focus the scope of the voir dire examination as set forth in S.C. Code Ann. §14-7-1020. *State v. Hill,* 331 S.C. 94, 103, 501 S.E.2d 122, 127 (1998). The trial court has the solemn duty to ensure that every juror is unbiased, fair and impartial. *State v. Gulledge,* 277 S.C. 368, 370, 287 S.E.2d 488, 489 (1982).

The South Carolina Court of Appeals made the correct decision to affirm the decision of the trial court since the Petitioner revealed no prejudice. There was absolutely no prejudice in the selection of this jury. No law was created by the General Assembly making individual *voir dire* mandatory. How the jury is selected is still up to the trial judge. All that is required is that the selection of the jury is fair allowing only impartial individuals to sit on the jury. To warrant reversal based on the admission or execution of evidence, the appellant must prove both error of the ruling and the resulting prejudice, i.e., that there is a reasonable probability the jury's verdict was influenced by the challenged evidence or lack thereof. *Fields v. Regional Medical Center*

Orangeburg, 363 S.C. 19, 26, 609 S.E.2d 506, 509 (2005), *overruled on other grounds by, State v. Wallace,* 440 S.C. 537, 892, S.E.2d 310 (2023).

The Petitioner was not entitled to individual attorney- led voir dire. That was totally under the discretion of the trial court. The denial of individual voir dire was not in error. The Court of Appeals was correct in affirming the decision of the trial court regarding this matter.

CONCLUSION

Based on the foregoing reasons, the Respondent submits Petitioner has failed to reveal that the questions presented warrant certiorari review. This Court should deny this petition and let stand the decision of the Court of Appeals.

Respectfully submitted,

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Attorney General

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ATTORNEYS FOR RESPONDENT

Columbia, South Carolina
May 8, 2026

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Colleton County
The Honorable Clifton Newman, Circuit Court Judge
Appellate Case No. 2026-000656

THE STATE, RESPONDENT,

v.

RITA M. PANGALANGAN, PETITIONER.

Opinion No. 2026-UP-018 (S.C. Ct. App. Filed January 21, 2026)

PROOF OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Return to Petition for Writ of Certiorari, along with the Proof of Service has been forward to Appellant's counsel, Dayne C. Phillips, Esquire via email today May 8, 2026, to dayne@pricebenowitz.com I further certify that all parties required by Rule to be served have been served.

This is the 8th day of May 2026.

s/Tommy Evans, Jr.
Tommy Evans, Jr.
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P. O. Box 11549
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ATTORNEY FOR RESPONDENT

Brandy Rankin

From: Brandy Rankin
Sent: Friday, May 8, 2026 12:03 PM
To: Dayne Phillips
Cc: Courtney Powers; Tommy Evans, Jr.
Subject: The State v. Rita M. Pangalangan - Return to Petition for Writ of Certiorari and Proof of Service
Attachments: Pangalangan.Rita.Return to Petition of Certiorari.pdf; POS Return PWOC pos rpwoc.pdf

Dear Mr. Phillips,

Please find attached the Respondent's Return to Petition for Writ of Certiorari and the Proof of Service. These documents will be filed today, May 8, 2026, with the South Carolina Court of Appeals along with a copy of this email. Thank you!

Sincerely,

Brandy Rankin

Brandy Rankin, Legal Assistant
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