

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Honorable Edgar W. Dickson, Circuit Court Judge

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Apr 19 2021

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DALE EUGENE KING,

APPELLANT

APPELLATE CASE NO 2019-002078

RECORD ON APPEAL

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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 I
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December 9, 2019
Beaufort, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge Presiding.

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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:

1 ***

2 VOIR DIRE EXAMINATION BY MS. SWANSON

3 BY MS. SWANSON:

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

7 A She is my sister.

8 Q When did you meet Dale King?

9 A Back in '87.

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

11 A '87 or '88.

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

14 A Yes.

15 Q For the next 30 years did you know them?

16 A Yes.

17 Q How would you describe their relationship?

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

21 Q Did you ever give Veronica any advice about Dale?

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

24 Q Without telling me what she said, what was your
25 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 [REDACTED].

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 [REDACTED],
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 trier of 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 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 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 [REDACTED], 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 [REDACTED].
- 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 [REDACTED].
- 20 Q Did they live in [REDACTED] 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 [REDACTED] 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, [REDACTED]. 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 [REDACTED]?

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 ***

DIRECT EXAMINATION

1
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 207.

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 [REDACTED] 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 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 [REDACTED], 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 [REDACTED], 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: 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

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 [REDACTED] 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 [REDACTED], 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

1 CERTIFICATE OF REPORTER

2
3 I, Kymberlee M. Williams, Certified Shorthand
4 Reporter/Registered Professional Reporter for the State of South
5 Carolina, do hereby certify that the foregoing is a true, accurate,
6 and complete Transcript of Record of the proceedings and
7 evidence introduced in the trial of the captioned case, relative to
8 appeal, in the Circuit Court for York County, South Carolina, on
9 the 9th to the 11th days of December, 2020.

10
11 I do further certify that I am not related, of counsel, or of
12 interest to any party hereto.

13
14
15 This, the 11th day of May, 2020.

16
17
18
19
20
21 

22 Kymberlee M. Williams, CSR/RPR
23
24

WITNESSES

Josh Dowling- Bft PD

ARREST WARRANT NUMBER

2017A0720600138

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date:

10-18-18

VERDICT

Guilty

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2017GS0700810

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

October Term 2018

THE STATE

vs.

Dale Eugene King

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper
person and plead guilty to the within
indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

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 15th and 16th 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.



Solicitor

1001

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Adam Sinclair Ruffin
Appellate Defender

RECEIVED

Apr 19 2021

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of April, 2021.