

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Cherokee County

Honorable Daniel D. Hall, Circuit Court Judge

FRANKLIN DOVER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000537

APPENDIX

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Nov 20 2023

S.C. SUPREME COURT

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
-vs-) 2014-GS-11-00875
6)
7 FRANKLIN PIERRE DOVER,) JULY 15, 2019
8) GAFFNEY, SOUTH CAROLINA
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(VOLUME I)

B E F O R E:

THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
-vs-) 2014-GS-11-00878
6)
7 RAJSHUN BERNARD FOSTER,) JULY 15, 2019
8) GAFFNEY, SOUTH CAROLINA
9)
10 DEFENDANT.)

11
12 (VOLUME I)

13
14 B E F O R E:

15
16 THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.

17
18 A P P E A R A N C E S:

19
20 KIMBERLY L. LESKANIC, DEPUTY ASSISTANT SOLICITOR
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3 identification)

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5 identification)

6 THE COURT: Ladies and gentlemen, we are about to
7 begin the trial of the matter of the State of South Carolina
8 versus Franklin Pierre Dover, as well as the State of South
9 Carolina versus Rajshun Bernard Foster.

10 Gentlemen, if you would be kind enough to stand
11 and face the jury just for about 15 seconds, please.

12 (Off the record)

13 (Back on the record)

14 THE COURT: Ladies and gentlemen, give your
15 attention to Madam Clerk, please.

16 THE CLERK: If everyone will please stand and
17 raise your right hand.

18 Do you solemnly swear the information that you
19 give to this court to be the truth, the whole truth, and
20 nothing but the truth, so help you God?

21 JURY VENIRE PANEL: (Collectively said I do).

22 THE CLERK: You may be seated.

23 THE COURT: Ladies and gentlemen, as I told you,
24 we are about to begin the trial of Mr. Franklin Pierre Dover
25 and Mr. Rajshun Bernard Foster.

1 It is alleged in the Indictment 2014-0875 that Mr.
2 Franklin Pierre Dover did, in Cherokee County, South
3 Carolina, on or about June 22 of 2014, commit the criminal
4 offense of murder by killing one Timothy Blair.

5 Mr. Dover has entered a plea of not guilty, and
6 you will hear me say that more than once today, he has
7 entered plea of not guilty to this indictment and he is
8 presumed to be innocent of the allegations contained in this
9 indictment.

10 It is the burden of the State of South Carolina to
11 prove him guilty, if at all, beyond a reasonable doubt --
12 with the burden of beyond a reasonable doubt.

13 In 2014-0878 the State of South Carolina versus
14 Rajshun Bernard Foster, it is alleged in the indictment that
15 Mr. Foster did, in Cherokee County, South Carolina, on or
16 about June 22 of 2014 commit the criminal offense of murder
17 by killing one Timothy Blair.

18 He has entered a plea of not guilty and he is
19 presumed innocent of the allegations contained in the
20 indictment against him.

21 I tell you that the indictments themselves are
22 merely pieces of paper. They are the charging instrument
23 that brings each of these gentlemen before the court for
24 trial. Each has pleaded not guilty and each is presumed
25 innocent of the allegations contained in the indictment.

1 Now, ladies and gentlemen, there are certain
2 questions that I'm required to ask at this time regarding
3 the trial of this case.

4 Is there any member of this panel who is now or
5 ever has been related by blood or marriage to either Mr.
6 Franklin Pierre Dover or Mr. Rajshun Bernard Foster? If so,
7 please stand. You are now or were once related to either of
8 these men, please stand.

9 (No response)

10 THE COURT: Is there any member of this jury panel
11 that has a close personal association with either of these
12 men, please stand. If you know them from school, you know
13 them from work, you know them from somewhere.

14 Ma'am, your number, please?

15 JUROR NUMBER 118: Number 118, Quensena Robinson.

16 THE COURT: 118?

17 JUROR NUMBER 118: Yes.

18 THE COURT: And which one of these gentlemen do
19 you know?

20 JUROR NUMBER 118: Franklin Dover.

21 THE COURT: The fact that you know Mr. Dover,
22 would that interfere with your ability to be fair and
23 impartial to the State and the defense?

24 JUROR NUMBER 118: I think so.

25 THE COURT: Ma'am?

1 JUROR NUMBER 118: Yes, sir.

2 THE COURT: It would? You may be excused from the
3 trial of this case. Just have a seat. We will have other
4 matters later this week.

5 Anyone else?

6 (No response)

7 THE COURT: The following is a list of potential
8 witnesses. I say potential because we don't know who will
9 testify in this trial.

10 Terrica Bonner.

11 Bernice Dowdle.

12 Jasmine Hudson.

13 Sharie Studyvance.

14 Nakisha Love.

15 Susan Crawford.

16 Kiara Douglas.

17 Rebi Tate.

18 Chariece Allen.

19 Taisha Crudup.

20 Dennis Gardner or a representative from the
21 Cherokee 911.

22 Antron Bonner.

23 Billy Anthony.

24 Mary Davis.

25 Dr. Janice Ross.

1 Richard Burgess.
2 John Ryan Keep or other representative from
3 Sprint.
4 Chris Johnson.
5 Cory Wilson.
6 Darleen Hardy.
7 Lasheba Littlejohn.
8 Abigale Tillman.
9 Spike McCraw.
10 Alisha Love.
11 Evelyn Sims.
12 Stephen Anderson.
13 Jimmy Henson.
14 Dennis Fowler.
15 Kimberly Mears.
16 Jennifer Clayton.
17 Aaron Bowles.
18 Tim Clark.
19 Nathan Walker.
20 Kenneth Wilson.
21 Richard Duckett.
22 Shreath Lowden.
23 Makayla Elmore.
24 Brian Mullinax.
25 Willie Barfield.

1 Annette Littlejohn.

2 Renatta Littlejohn.

3 Brittany Watkins.

4 Charlotte Watkins.

5 Lakesha Laney.

6 Kevin Walters.

7 Demetrius Laney.

8 And Richard Burgess.

9 Is anyone on the jury panel, either now or ever
10 has been, related to any of those potential witnesses? If
11 so, please stand.

12 Yes, ma'am, your number?

13 JUROR NUMBER 15: 15.

14 THE COURT: 15?

15 JUROR NUMBER 15: Yes.

16 THE COURT: You are --

17 JUROR NUMBER 15: Nathan Walker. He's my
18 husband's first cousin.

19 THE COURT: Okay. Would that interfere with your
20 ability to be fair and impartial in the trial of this case?

21 JUROR NUMBER 15: No, sir.

22 THE COURT: You may stay with us.

23 Yes, ma'am.

24 JUROR NUMBER 90: Juror 90.

25 Brian Mullinax is my cousin.

1 THE COURT: Would that interfere with your ability
2 to be fair and impartial in the trial of this case?

3 JUROR NUMBER 90: No, sir.

4 THE COURT: You may stay.

5 Is there anyone who has a close personal social
6 relationship with any of those potential witnesses such that
7 it would interfere with your ability to be fair and
8 impartial, please stand?

9 Yes, sir, your number?

10 JUROR NUMBER 133: 133.

11 Former employee with the Cherokee County Sheriff's
12 Office. That long list that you mentioned?

13 THE COURT: Yes, sir.

14 JUROR NUMBER 133: Anybody that worked there, I
15 still have those contacts with some of those.

16 THE COURT: Would that interfere with your ability
17 to be fair and impartial?

18 JUROR NUMBER 133: No, sir.

19 THE COURT: You could be fair and impartial in the
20 trial of this case?

21 JUROR NUMBER 133: Yes, sir.

22 THE COURT: You may stay.

23 Anyone else?

24 (No response)

25 THE COURT: I'm going to ask the lawyers to

1 introduce themselves.

2 I will start -- well, I got lady and gentlemen on
3 both sides. How about Ms. Leskanic?

4 MS. LESKANIC: Thank you. May it please the
5 court?

6 THE COURT: Yes.

7 MS. LESKANIC: Good afternoon, ladies and
8 gentlemen. My name is Kim Leskanic and I'm the deputy
9 solicitor here for Cherokee County.

10 MR. KENDALL: Good afternoon, ladies and
11 gentlemen. My name is Matt Kendall and I'm an assistant
12 solicitor here in Cherokee County.

13 MR. MORIN: My name is Michael Morin and I
14 practice criminal law in the Upstate.

15 MS. RACINE: My name is Tracy Racine. I work at
16 the Racine Law Firm and practice criminal defense in
17 Cherokee and York Counties.

18 THE COURT: Thank you.

19 Is there any member of the jury panel who is now
20 or ever has been related by blood or marriage to any of the
21 lawyers in this case? If so, please stand.

22 (No response).

23 THE COURT: Any member of the jury panel have a
24 close personal relationship with any of the lawyers? If so,
25 please stand.

1 (No response).

2 THE COURT: Any member of the jury panel ever
3 testified on behalf of the Seventh Circuit Solicitor's
4 Office? You were asked to come and testify in a case,
5 please stand.

6 Yes, sir. Would that interfere with your ability
7 to be fair and impartial?

8 JUROR NUMBER 133: No, sir.

9 THE COURT: And your number again?

10 JUROR NUMBER 133: 133.

11 THE COURT: Thank you.

12 Anyone ever been asked to come and testify as a
13 witness in a criminal case by a defense lawyer, whether it's
14 these lawyers or someone else; you came and testified for
15 the defense? If so, please stand.

16 (No response).

17 THE COURT: Any member of the jury panel, either
18 yourself or a family member, that's currently being
19 prosecuted by the Seventh Circuit Solicitor's Office for any
20 kind of an offense? If so, please stand.

21 (No response).

22 THE COURT: Any member of the jury panel, either
23 yourself or have a close friend or a family member, who is
24 represented by a criminal defense lawyer in any matter,
25 whether it's in this county or not, please stand.

1 (No response).

2 THE COURT: Is any member of the jury panel, other
3 than the lady who has already risen, is there anyone else
4 who knows any of the family members of Franklin Pierre Dover
5 or Rajshun Foster, sometimes known as "Gwap" and "Fawlk", or
6 anyone in their family; know any of their family, please
7 stand.

8 (No response).

9 THE COURT: Is there any member of the jury panel
10 who knows the decedent Timothy Blair, also known as "Slick"?
11 If so, please stand.

12 (No response).

13 THE COURT: Is there any member of the jury panel
14 who is now or in the past lived at Connecticut Village
15 Apartments? If so, please stand.

16 (No response).

17 THE COURT: Is any member of the jury panel ever
18 been represented by --

19 Let me ask it this way. Is there any member of
20 the jury panel ever sought legal advice from any of these
21 four lawyers, whether you have retained him or her or not?
22 You know, you went to consult with them. It could have been
23 about a will, it could have been about a real estate matter,
24 a criminal matter, whatever it might have been, you
25 consulted with any of these lawyers about anything?

1 Yes, ma'am, your number?

2 JUROR NUMBER 4: 4.

3 THE COURT: 4?

4 JUROR NUMBER 4: Uh-huh.

5 THE COURT: Yes, ma'am, which lawyer?

6 JUROR NUMBER 4: Ms. Leskanic.

7 THE COURT: Okay. Would that interfere with your
8 ability to be fair and impartial?

9 JUROR NUMBER 4: (Shaking head no).

10 THE COURT: No?

11 JUROR NUMBER 4: No.

12 THE COURT: Okay. Thank you. You may stay.

13 All right. Is there any member of the jury
14 panel -- I know we got one.

15 Is there any member of the jury panel who is now
16 or ever has been a law enforcement officer? That includes
17 military police, city, county, state? If so, please stand.

18 JUROR NUMBER 133: 133, yes, sir.

19 THE COURT: Okay, 133.

20 Would that interfere with your ability to be fair
21 and impartial?

22 JUROR NUMBER 133: No, sir.

23 THE COURT: You may stay.

24 Is there any member of the jury panel that has a
25 family member, and I'm talking a brother, sister, father,

1 cousin, son-in-law, who is a law enforcement -- or a
2 daughter-in-law, a law enforcement official, please stand.
3 A member of your family law enforcement official.

4 Okay. Starting right here in the yellow. Yes,
5 ma'am, your number?

6 JUROR NUMBER 78: 78.

7 THE COURT: What agency? County, city?

8 JUROR NUMBER 78: County.

9 THE COURT: The county.

10 Would that interfere with your ability to be fair
11 and impartial?

12 JUROR NUMBER 78: No, sir.

13 THE COURT: Ma'am, you may stay.

14 Yes, ma'am.

15 JUROR NUMBER 111: 111.

16 THE COURT: What agency?

17 JUROR NUMBER 111: It's the county.

18 THE COURT: County?

19 JUROR NUMBER 111: County.

20 THE COURT: Would that interfere with your ability
21 to be fair and impartial?

22 JUROR NUMBER 111: No, sir.

23 THE COURT: Ma'am, you may stay.

24 Yes, ma'am?

25 JUROR NUMBER 146: 146. Cousin in I think it's

1 the state. I'm not sure.

2 THE COURT: State?

3 JUROR NUMBER 146: Yeah.

4 THE COURT: Would that interfere with your ability
5 to be fair and impartial?

6 JUROR NUMBER 146: No, sir.

7 THE COURT: Ma'am, you may stay.

8 Yes, ma'am?

9 JUROR NUMBER 90: Juror 90. It's county.

10 THE COURT: Would that interfere with your ability
11 to be fair and impartial?

12 JUROR NUMBER 90: No, sir.

13 THE COURT: You may stay.

14 Yes, ma'am?

15 JUROR NUMBER 47: 47. I have a highway patrolman.

16 THE COURT: Would that interfere with your ability
17 to be fair and impartial?

18 JUROR NUMBER 47: Possibly.

19 THE COURT: Possibly?

20 JUROR NUMBER 47: Yes.

21 THE COURT: I'm sorry, I have to have a definitive
22 answer, up or down, yes or no?

23 JUROR NUMBER 47: Yes.

24 THE COURT: It would interfere?

25 JUROR NUMBER 47: Yes.

1 THE COURT: Ma'am, you may be excused from the
2 trial of this case. Stay with us.

3 JUROR NUMBER 47: Okay.

4 THE COURT: Yes, sir.

5 JUROR NUMBER 109: 109.

6 My nephew was in the Air Force security forces.

7 THE COURT: Would that interfere with your ability
8 to be fair and impartial?

9 JUROR NUMBER 109: No, sir.

10 THE COURT: Okay. You may stay.

11 MR. MORIN: Your Honor, was that 109?

12 THE COURT: 109?

13 JUROR NUMBER 109: Yes.

14 THE COURT: 109.

15 4?

16 JUROR NUMBER 4: Number 4.

17 THE COURT: Would that interfere --

18 JUROR NUMBER 4: My husband is retired military
19 and he works for the Department of Homeland.

20 THE COURT: Would that interfere with your ability
21 to be fair and impartial?

22 JUROR NUMBER 4: No, sir.

23 THE COURT: You may stay.

24 Yes, sir.

25 JUROR NUMBER 114: 114. County.

1 THE COURT: Would that interfere with your ability
2 to be fair and impartial?

3 JUROR NUMBER 114: No, sir.

4 THE COURT: You may stay.

5 Is there any member of the jury panel, either
6 yourself or a family member or a very close friend, who is
7 employed by the Seventh Circuit Solicitor's Office? If so,
8 please stand.

9 (No response).

10 THE COURT: Is there any member of the jury panel,
11 either yourself or a family member or a close friend, who is
12 the victim or was -- yeah, victim of an assault, please
13 stand. Victim of an assault, or other violent crime, please
14 stand.

15 (No response).

16 THE COURT: Is there any member of the jury panel
17 know of any reason why he or she should not try this case?
18 If so, please stand.

19 (No response).

20 THE COURT: Anything from the State?

21 MS. LESKANIC: May we approach, Your Honor?

22 THE COURT: Sure.

23 (Whereupon, the lawyers approached the bench for
24 an off-the-record discussion)

25 THE COURT: Has any member of the jury panel ever

1 communicated with, followed, or been friends with any of
2 the -- with either of the defendants, Mr. Dover or Mr.
3 Foster, on a social media site, please stand.

4 (No response)

5 THE COURT: Any kind of social media.

6 Does anyone in the jury panel know anything at all
7 about this case? If so, please stand.

8 Well -- yes, sir. Number again?

9 JUROR NUMBER 133: 133.

10 THE COURT: Okay. Would that interfere with your
11 ability to be fair and impartial?

12 JUROR NUMBER 133: No, sir.

13 THE COURT: Thank you. You may stay.

14 Anyone else?

15 (No response).

16 THE COURT: Anything from defense?

17 MR. MORIN: No, sir.

18 MS. RACINE: No, sir.

19 THE COURT: Okay. We will have our jury.

20 (Off the record).

21 (Back on the record)

22 THE CLERK: When I call your name, please come
23 forward. Please bring all your personal belongings with
24 you. If you will stand right in front of me, face back out
25 and where you can see the clock on the back wall.

1 If I tell you you are to be seated, you will take
2 a seat over here in the jury box. If I tell you that you
3 have been excused, you will take a seat back out in the jury
4 pool.

5 Juror 146, Charity Williams.

6 What says the State?

7 MS. LESKANIC: Please excuse the juror from
8 service in this case.

9 THE CLERK: You have been excused.

10 Juror 135, Tamaiya Tate.

11 What says the State?

12 MS. LESKANIC: Please excuse the juror from
13 service in this case.

14 THE CLERK: You have been excused.

15 Juror 50, Rhonda Gregory.

16 What says the State?

17 MS. LESKANIC: Please present the juror.

18 THE CLERK: What says the defense?

19 MR. MORIN: Please swear the juror.

20 THE CLERK: Please take a seat in the jury box.

21 Oh, I'm sorry.

22 Ms. Racine?

23 MS. RACINE: Please seat the juror.

24 THE CLERK: Okay. Please take a seat in the jury
25 box.

1 Juror 46, Mark Giles.

2 What says the State?

3 MS. LESKANIC: Please excuse the juror from
4 service in this case.

5 THE CLERK: You have been excused.

6 Juror 101, John Powell.

7 What says the State?

8 MS. LESKANIC: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. MORIN: Please seat the juror.

11 THE CLERK: Ms. Racine?

12 MS. RACINE: Please seat the juror.

13 THE CLERK: Please take a seat in the jury box.

14 Juror 107, Linda Ramsey.

15 What says the State?

16 MS. LESKANIC: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. MORIN: Please excuse the juror.

19 THE CLERK: You have been excused.

20 Juror 86, Ruby Mickles.

21 What says the State?

22 MS. LESKANIC: Please excuse the juror from
23 service in this case.

24 THE CLERK: You have been excused.

25 Juror 109, Albert Revels.

1 What says the State?

2 MS. LESKANIC: Please excuse the juror from
3 service in this case.

4 THE CLERK: You have been excused.

5 Juror 96, Roy Petty.

6 What says the State?

7 MS. LESKANIC: Please excuse the juror from
8 service in this case.

9 THE CLERK: You have been excused.

10 Juror 148, Carrie Wyatt.

11 What says the State?

12 MS. LESKANIC: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. MORIN: Please excuse the juror from service
15 in this case.

16 THE CLERK: You have been excused.

17 Juror 142, Raymond Vitellaro.

18 MR. MORIN: What's the number again, please,
19 ma'am?

20 THE CLERK: 142.

21 What says the State?

22 MS. LESKANIC: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. MORIN: Please swear the gentleman.

25 THE CLERK: Ms. Racine?

1 MS. RACINE: Please present the juror.

2 THE CLERK: Please take a seat in the jury box.

3 Juror 110, Charles Reynolds, Jr..

4 What says the State?

5 MS. LESKANIC: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. MORIN: Please swear the juror.

8 THE CLERK: Ms. Racine?

9 MS. RACINE: Please present the juror.

10 THE CLERK: Please take a seat in the jury box.

11 Juror 78, Karen Martin.

12 What says the State?

13 MS. LESKANIC: Please present the juror.

14 THE CLERK: What says the defense?

15 MR. MORIN: Please excuse the juror.

16 THE CLERK: You have been excused.

17 Juror 82, Amber Mccullough.

18 What says the State?

19 MS. LESKANIC: Please excuse the juror from
20 service in this case.

21 THE CLERK: You have been excused.

22 Juror 95, Samantha Perkins.

23 What says the State?

24 MS. LESKANIC: Please present the juror.

25 THE CLERK: What says the defense?

1 MR. MORIN: Please swear the juror.

2 THE CLERK: Ms. Racine?

3 MS. RACINE: Please swear the juror.

4 THE CLERK: Please take a seat in the jury box.

5 Juror 114, Shawn Ricci.

6 What says the State?

7 MS. LESKANIC: Please excuse the juror from

8 service in this case.

9 THE CLERK: You have been excused.

10 Juror 4, Pauline Bell.

11 What says the State?

12 MS. LESKANIC: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. MORIN: Please excuse the juror.

15 THE CLERK: You have been excused.

16 Juror 105, Debra Ramsey.

17 What says the State?

18 MS. LESKANIC: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. MORIN: Please seat the juror.

21 THE CLERK: Ms. Racine?

22 MS. RACINE: Please present the juror.

23 THE CLERK: Please take a seat in the jury box.

24 Juror 106, Lewis Ramsey.

25 What says the State?

1 MS. LESKANIC: Please present the juror.

2 THE CLERK: What says the defense?

3 MR. MORIN: Please swear the juror.

4 THE CLERK: Ms. Racine?

5 MS. RACINE: Please excuse this juror.

6 THE CLERK: You have been excused.

7 Juror 53, Michael Harris.

8 What says the State?

9 MS. LESKANIC: Please present the juror.

10 THE CLERK: What says the defense?

11 MR. MORIN: Please swear the juror.

12 THE CLERK: Ms. Racine?

13 MS. RACINE: Please excuse the juror.

14 THE CLERK: You have been excused.

15 Juror 10, Joe Bright.

16 What says the State?

17 MS. LESKANIC: Please present the juror.

18 THE CLERK: What says the defense?

19 MR. MORIN: Please present the juror.

20 THE CLERK: Ms. Racine?

21 MS. RACINE: Please present the juror.

22 THE CLERK: Please take a seat in the jury box.

23 Juror 13, Barbara Camp.

24 What says the State?

25 MS. LESKANIC: Please present the juror.

1 THE CLERK: What says the defense?

2 MR. MORIN: Please swear the juror.

3 THE CLERK: Ms. Racine?

4 MS. RACINE: Please present the juror.

5 THE CLERK: Please take a seat in the jury box.

6 Juror 123, Danny Scruggs.

7 What says the State?

8 MS. LESKANIC: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. MORIN: Please swear the juror.

11 THE CLERK: Ms. Racine?

12 MS. RACINE: Please excuse the juror.

13 THE CLERK: You have been excused.

14 Juror 27, Eugene Cruz.

15 What says the State?

16 MS. LESKANIC: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. MORIN: Please swear the juror.

19 MS. RACINE: Please swear the juror.

20 THE CLERK: Please take a seat in the jury box.

21 Juror 126, David Shelton.

22 What says the State?

23 MS. LESKANIC: Please present the juror.

24 THE CLERK: What says the defense?

25 MR. MORIN: Please swear the juror.

1 MS. RACINE: Please present the juror.

2 THE CLERK: Please take a seat in the jury box.

3 Juror 99, Sara Rogers.

4 What says the State?

5 MS. LESKANIC: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. MORIN: Please swear the juror.

8 MS. RACINE: Please present the juror.

9 THE CLERK: Please take a seat in the jury box.

10 Juror 40, Sherri Fipps.

11 What says the State?

12 MS. LESKANIC: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. MORIN: Please swear the juror.

15 MS. RACINE: Please present the juror.

16 THE CLERK: Please take a seat in the jury box.

17 The next juror will be for alternate 1.

18 Juror 81, Adara McClure.

19 What says the State?

20 MS. LESKANIC: Please present the juror.

21 THE CLERK: What says the defense?

22 MR. MORIN: Please swear the juror.

23 MS. RACINE: Please present the juror.

24 THE CLERK: Please take a seat in the jury box.

25 Juror 111, Lisa Reynolds.

1 What says the State?

2 MS. LESKANIC: Please present the juror.

3 THE CLERK: What says the defense?

4 MR. MORIN: Please excuse the juror.

5 THE CLERK: You have been excused.

6 Juror 88, Christian Flores.

7 What says the State?

8 MS. LESKANIC: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. MORIN: Please swear the juror.

11 THE CLERK: Ms. Racine?

12 MS. RACINE: Please excuse the juror.

13 THE CLERK: You have been excused.

14 Juror 15, Amanda Carlton.

15 What says the State?

16 MS. LESKANIC: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. MORIN: Please excuse the juror.

19 THE CLERK: You have been excused.

20 Juror 70, Wanda Jones.

21 What says the State?

22 MS. LESKANIC: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. MORIN: Please sweat the juror.

25 MS. RACINE: Please excuse the juror.

1 THE CLERK: You have been excused.

2 Juror 2, Magdalena Alcantara.

3 What says the State?

4 MS. LESKANIC: Please present the juror.

5 THE CLERK: What says the defense?

6 MR. MORIN: Please swear the juror.

7 THE CLERK: Ms. Racine?

8 MS. RACINE: Please present the juror.

9 THE CLERK: Please take a seat in the jury box.

10 THE COURT: Any matters from the State?

11 Any matters from defense?

12 MS. LESKANIC: Nothing from the State, Your Honor.

13 MR. MORIN: No, sir.

14 MS. RACINE: No, sir.

15 THE COURT: Okay. Madam Clerk, will you swear the
16 jury to try this case?

17 THE CLERK: Ladies and gentlemen of the jury,
18 please stand and raise your right hand.

19 Do you solemnly swear that you will truly try the
20 issues joined in this case and true verdict render according
21 to the law and evidence, so help you God?

22 JURY PANEL: (Collectively said I do).

23 THE CLERK: You may be seated.

24 THE COURT: Thank you.

25 Juror number 101, Mr. John Powell. Sir, would you

1 serve as a foreperson on this jury?

2 JUROR NUMBER 101: Yes, sir.

3 THE COURT: All right. Thank you.

4 I don't make anyone do that, but I like to
5 alternate between a foreman and a forelady and it's time for
6 a foreman. If you would be kind enough to serve, I would
7 appreciate it.

8 When we return -- we are getting ready to take a
9 break, but when we return I'm going to ask you to always sit
10 in the chair on the very end where the lady is sitting in
11 the white blouse and that will be the foreperson's of the
12 jury seat.

13 And if you two would sit where you are seated now,
14 I would appreciate it. Those are the alternate jurors
15 seats.

16 Everyone else is free to move about. You could
17 sit on the front. You could sit on the back. It does not
18 matter to me. You can change seats each and every time that
19 you come in the courtroom, if that's what pleases you.

20 I will tell you once again that I stand a fair
21 amount during a trial. If you decide to stand, if you would
22 merely sit on the back row so that you would not block the
23 view of the juror in front of you, I would appreciate it.
24 You are welcome to sit or stand as much as you would like.

25 With that I'm going to let you go to the jury room

1 for a short break. It would be about 15 minutes at the
2 most. I'm going to release your brothers and sisters to
3 call back and I'm going to take a break and we are going to
4 get started on the trial of this case.

5 Mr. Foreman, if you would take the jury out with
6 the bailiff.

7 (The following takes place outside the presence of
8 the jury panel)

9 THE COURT: To the ladies and gentlemen who were
10 not selected, I can tell how greatly disappointed you are by
11 the look on your faces, but there will be some more trials
12 this week and you will get a chance yet to serve on the
13 jury.

14 With that I am going to invite you to stay. You
15 are not going to be required to. What I do need you to do
16 is call back after six p.m. this evening and you will have
17 further reporting instructions. It may say that you are not
18 needed tomorrow. It may ask you to call back after lunch or
19 some other period of time. Madam Clerk and I will get
20 together on what the message will say, but please use that
21 number so that you won't have to be here. If we don't need
22 you here, we don't want you here wasting your time.
23 However, I am going to invite you this week, any time this
24 week, if you are not serving in this box, you are welcome to
25 come here to sit and observe court. This courtroom belongs

1 to you. I get to work here, but it belongs to you, the
2 people of Cherokee County, so come any time. You are
3 already off this week probably and you are here today for
4 sure, so if you want to stay around after the break, feel
5 free to do so, but you are not going to be required to do
6 so.

7 All right. I'm going to take a break for about
8 15 minutes. We will all refresh ourselves and then we will
9 start the trial of the case.

10 (Whereupon, proceedings were recessed)

11 (Whereupon, proceedings were reconvened).

12 THE COURT: Everybody ready?

13 MS. LESKANIC: Yes, Your Honor.

14 MR. KENDALL: Yes.

15 MR. MORIN: Yes, Your Honor.

16 THE COURT: We will have the jury.

17 (The following takes place in the presence of the
18 jury panel)

19 THE COURT: Thank you.

20 Mr. Foreman and ladies and gentlemen of the jury,
21 we are about to try the case of the State of South Carolina
22 versus Franklin Pierre Dover and Rajshun Bernard Foster.

23 It is alleged in both indictments that each of
24 them were charged with the offense of murder, to which they
25 have entered a plea of not guilty, and they are presumed

1 innocent of the allegations contained in the indictments.

2 Now, ladies and gentlemen, this trial will be
3 different from what you might have come to expect from the
4 entertainment industry. Many people do not have a chance to
5 attend an actual court session and participate, as you are
6 now doing, and believe from the entertainment industry that
7 trials are always full of high drama, intense action and
8 riveting circumstances. Now, while some of these things may
9 be true at times, this trial is not for entertainment
10 purposes. It is a fundamental part of our democracy. The
11 process is often slow, deliberate and repetitive, just the
12 opposite of what you have come to expect from the
13 entertainment industry. This courtroom is a place of honor
14 dedicated to the protections and preservation of citizen's
15 rights through what some other countries have called the
16 greatest justice system ever created.

17 I tell you that the lawyers appearing before you
18 are advocates for the parties they represent, but first and
19 foremost they are officers of this court, sworn to uphold
20 the integrity of our judicial system.

21 Now, ladies and gentlemen, we thank you again for
22 accepting this responsibility of serving as jurors.

23 Now, what I tell you in my remarks are not a
24 charge on the law of this case. I will instruct you on the
25 law applicable to this case at the end of the trial before

1 you retire to consider your verdict. My remarks are merely
2 an explanation of the procedure that we will follow so that
3 you may better understand what is happening.

4 I am often asked, so I tell you now, you are not
5 allowed to take notes during the trial of the case. And the
6 reason for that quite simply is we would ask that you pay
7 close attention to the witnesses as they testify and not be
8 looking elsewhere or writing something.

9 Once again, and as I told you, each of these
10 defendants is charged with the criminal offense of murder
11 and have pled not guilty. Therefore, the State has the
12 burden of proving each of the elements of each indictment
13 beyond a reasonable doubt. It will be your duty to decide
14 whether the State has met the burden of proof. Your purpose
15 as jurors is to find and determine facts.

16 Ladies and gentlemen, the law of this state makes
17 you twelve the sole judge of the facts. If at any time I
18 make a comment regarding the facts, you must disregard it,
19 because the law does not allow a trial judge to make a
20 comment on a fact. You are to determine the facts from the
21 testimony you hear and the evidence introduced in court. It
22 is up to you to determine the inferences which you think
23 could be properly drawn from the evidence presented in this
24 case.

25 It is important that you perform your duty of

1 determining facts diligently and conscientiously, because
2 ordinarily there is no way to correct an erroneous
3 determination of facts by a jury.

4 Now, on the other hand, but with equal emphasis,
5 the same state law that makes you twelve the judge of the
6 facts makes me the judge of the law. The law as I give it
7 to you is the only law that you may consider and you must
8 accept it and you must follow it, even if you disagree with
9 it. I cannot tell you what a fact is and you cannot
10 disagree with me about what the law is. Your job would be
11 to take the law as I give it to you, apply it to the facts
12 as you find them to be from the testimony and the evidence
13 presented, and after doing so render a verdict, but, ladies
14 and gentlemen, until I tell you to begin deliberation you
15 must not discuss this case with anyone, including fellow
16 jurors, friends, family members, or any person involved in
17 this case.

18 The lawyers and the parties have been advised by
19 me not to speak to you, so if they pass you in the parking
20 lot or in the hallway and they do not speak, they are not
21 being rude. I, myself, will not be allowed to speak to you
22 during your service as a juror in this case. Again, a
23 simple conversation could be misunderstood.

24 You must decide the case based solely on the
25 evidence presented in this courtroom and during the trial.

1 You must not conduct any independent research about the case
2 or any fact or any evidence presented or any person or any
3 organization involved in this case. Please do not learn
4 information or try to learn information from any source
5 outside of this courtroom. You must not use dictionaries or
6 reference materials. You must not search the Internet, web
7 sites, or any other social media in helping you determine
8 this case. Do not use computers, telephones, cell phones,
9 smart phones, tablets, the internet, or any tool of
10 technology with communication capability while you are in
11 the courtroom or during deliberations.

12 Now, ladies and gentlemen, you may use those
13 devices during breaks and overnight. If we are here
14 overnight, then you may do that, but you must not use them
15 to communicate with anyone about the case until the case is
16 ended. Once the case is ended you can talk as much about it
17 or as little about it as you choose, but not until then, and
18 this includes -- this communication includes e-mails, or
19 text messages, or Twitter, or any other social media
20 website. Do not try to read any news accounts, if any. Do
21 not do any research that you think might be helpful in
22 deciding the case, because that research may be incomplete
23 or wrong.

24 Now, ladies and gentlemen, you must not be
25 influenced by anything or any person outside of this

1 courtroom. And if you become aware of another juror's
2 violations of my instructions, please inform me immediately,
3 because it is important that you keep an open mind and not
4 decide any issue until all evidence has been presented, the
5 parties have made closing statements and I have instructed
6 you on the law.

7 It is your solemn responsibility to determine the
8 guilt or innocence of each of these defendants and your
9 verdict must be based solely on evidence presented during
10 this trial and the law as I instruct it.

11 Now, in just a few moments the solicitor will make
12 what is known as an opening statement in which the solicitor
13 will explain to you the issues, or at least what the issues
14 are perceived to be. The attorneys for the defendant, each
15 defendant, may also make an opening statement, although they
16 are not required to do so, but I tell you that what any of
17 the lawyers, each of the lawyers, tell you in their
18 statement is not evidence. It is only their position, their
19 contentions of the case. The evidence will be presented to
20 you from the sworn witnesses from this witness stand and
21 from any exhibits or documents that are allowed into
22 evidence.

23 Now, at some point during this trial, and then
24 probably several times during this trial, you will hear one
25 or more of the lawyers say "Your Honor, we have a matter of

1 law. Your Honor, may we approach the bench?" In fact, you
2 might see me bring the lawyers to the bench. I generally do
3 that. I don't mean to do it. I just wave my fingers like
4 this and I say "let me see the lawyers," and the lawyers
5 will come forward and I will turn the microphone off.

6 Ladies and gentlemen, there will be certain times that I
7 have to deal with a matter of law, which is one of our Rules
8 of Evidence here, so it may be that I need to talk about one
9 of these rules with the lawyers regarding a fact in the case
10 as to whether or not something is admissible or not
11 admissible under the Rules of Evidence. If that's going to
12 take just a matter of seconds, I will do it here. If it's
13 going to take a little longer, Mr. Foreman, I'll ask you to
14 take the jury out so that I do not comment on a fact in the
15 presence of the jury while I make a ruling on the law.

16 Now, I tell you that whether or not it's
17 admissible is up to -- is a matter of law that I decide.
18 Whether or not you believe the evidence is a matter of fact
19 for you to decide.

20 Now, in determining facts you must decide whether
21 or not the testimony of the witnesses or any other document
22 is credible. Again, it's my responsibility to rule as to
23 whether or not it's admissible, but once admitted it is up
24 to you to give it whatever weight you determine is
25 advisable.

1 In deciding whether to believe a witness, you have
2 the right to consider the interest of a witness, or the
3 bias, or the prejudice of that witness, or the opportunity
4 for that witness to have seen or heard what he or she may be
5 testifying to. You have the right to consider anything in
6 the record that will help you evaluate the testimony. That
7 means it is your duty to pay close attention to the
8 witnesses, observe them and listen, so that you will be in a
9 position to render a verdict. Please do not let your
10 thoughts wander, but give strict attention to the testimony.

11 Now, Mr. Foreman, it will be your additional duty
12 to preside in the jury room and be the spokesperson for this
13 jury. It will also be your duty to write the verdict, but I
14 will give you further instructions at the close of this
15 case.

16 Anything from the State?

17 MS. LESKANIC: No, Your Honor.

18 THE COURT: From the defense?

19 MR. MORIN: No, sir.

20 MS. RACINE: No, sir.

21 THE COURT: Are you ready, ladies and gentlemen?

22 MS. LESKANIC: May it please the court?

23 THE COURT: Yes, ma'am.

24 MS. LESKANIC: Thank you, Your Honor.

25 Good afternoon, ladies and gentlemen. I

1 introduced myself. I'm Kim Leskanic. I'm the deputy
2 solicitor here for Cherokee County. I'm going to be
3 presenting this case, along with Mr. Kendall, who is also a
4 prosecutor here in Cherokee County.

5 You are here today on murder charges, because back
6 in June of 2014 a young man by the name of Timothy Blair was
7 shot and killed in Connecticut Village Apartments. Those
8 are located on East Junior High Road near Ewing Middle
9 School, if you are familiar with that area. He walked
10 around the building to go inside his apartment. Frank Dover
11 laid in wait on him with an assault-type rifle, came around
12 the corner and shot him one time in the chest. That bullet
13 penetrated both of his lungs and he bled to death right
14 there behind that apartment.

15 This week we are trying two people that
16 participated in that murder. We are trying Franklin Dover.
17 You are also going to hear him referred to as "Gwap". That
18 was his nickname, "Gwap". And we are trying Rajshun Foster
19 in the black shirt. Sometimes people call him "Fawlk".
20 Those are nicknames that you are going to hear.

21 The victim in this case, Timothy Blair, his
22 nickname was "Slick".

23 So we have witnesses from Connecticut Village that
24 were there that day, that were there a few days before this
25 event happened, and they are going to tell you about things

1 they saw, things that they heard, and what happened that
2 day, and that's direct evidence, things that people actually
3 witnessed, and they come in on this witness stand and they
4 tell you what they saw and what they heard, so that you get
5 to hear from them.

6 In this case it started a few days before the
7 actual murder. Rajshun Foster and Franklin Dover came
8 looking for Timothy Blair, came into Connecticut Village,
9 went to Timothy's girlfriend's house looking for him. And
10 she will describe that it wasn't a friendly visit, the tone
11 of their voice, but they are looking for. They were having
12 a problem with him. And Rajshun in the black used to be
13 good friends with Timothy. There had been a shift in their
14 relationship, and he was also friends with Franklin Dover.
15 So the two of them decided they had a problem with Timothy.
16 They came looking for him two days before the murder, told
17 people that they were looking for him. And then the day of
18 the murder, that afternoon, they were seen again in
19 Connecticut Village, Rajshun Foster, Franklin Dover with
20 Timothy Blair outside an apartment in Connecticut Village.

21 Franklin Dover was seen with a long assault-type
22 rifle. He had been seen with that earlier that today. He
23 was seen with it in Connecticut Village probably 30 minutes
24 before the shooting took place.

25 During that encounter Rajshun Foster was trying to

1 get Timothy Blair to fight him. Timothy wouldn't do it;
2 head down, walked away, doesn't want to fight, and Franklin
3 Dover yells out, and several witnesses hear, "I'll get you
4 one way or the other," and within 30 minutes Timothy Blair
5 had been shot and killed behind Apartment 1.

6 Now, what happened after that encounter is -- I
7 want to break it down. You are going to hear witnesses we
8 had first a few days before the shooting Rajshun and Mr.
9 Dover are looking for Timothy.

10 The day of there is an encounter down in
11 Connecticut Village where Franklin Dover and Rajshun are
12 trying to get Timothy to fight and Frank had a long
13 assault-type rifle and he threatened him.

14 When Timothy leaves that encounter, he goes to
15 another resident's house and says "I just got into an
16 argument with them, I need to get out of here." She said
17 "go get your stuff, come back and wait in my apartment and
18 have your family come and pick you up," and he never made it
19 back.

20 Now, what happened when Rajshun and Frank left,
21 they drive by the Connecticut Village in their separate
22 vehicles. They go back to Frank Dover's house. And while
23 they are there Frank Dover gets his gun that he had in his
24 car and he also gets on doctor-type surgical gloves and he
25 gets into the car with Rajshun and they pick up two more

1 people that are over in Mcentire Mobile Home Park and the
2 four of them drive back to Connecticut Village. Now,
3 Rajshun is driving the car. He drops off Franklin Dover and
4 another man, Terence Studyvance, at a wooded path that leads
5 down to Connecticut Village to Apartment 1 where Timothy
6 Blair was killed. He drops them off, knowing they have an
7 assault-type rifle, a gun, and a plan to kill Timothy Blair.
8 Rajshun then drives deeper into the village with a man by
9 the name of Antron Bonner. You are going to hear from Mr.
10 Bonner. He's going to testify and tell you what he saw that
11 day, what he witnessed from the time they came back to
12 Mcentire Mobile Home Park and all got into one vehicle to
13 commit this murder.

14 So Franklin Dover, armed with the assault rifle,
15 goes down the wooded path to sneak in behind Apartment 1
16 where Timothy Blair stays with his girlfriend, and Rajshun
17 Foster drives back into Connecticut Village. He sees
18 Timothy Blair again when he's in the village. He gets out,
19 approaches him again and has words with him and again
20 Timothy will not fight. He just walks away. But this time
21 when he walked away, he walked to the back door of the
22 apartment where he would always go in and Frank Dover was
23 waiting and shot him one time in the chest.

24 They are both charged with murder. The hand of
25 one is the hand of all, and I'll talk more about the law at

1 the conclusion of the case, and Judge Kelly will always
2 instruct you on the law, but I'm not saying that Rajshun
3 Foster pulled the trigger. He didn't. I'm saying Frank
4 Dover pulled the trigger. Rajshun Foster, though, drove him
5 there. He had a problem with Timothy Blair. He drove him
6 to drop him off in the wooded area knowing he was armed with
7 a gun. He was participating in that and there were phone
8 calls between the two of them. From 4:55 p.m. until the
9 murder happened at about 4:59, five o'clock p.m., Rajshun
10 Foster and Franklin Dover had three phone calls. He dropped
11 him off in the wooded area and after Timothy Blair was shot
12 and murdered and left bleeding to death behind that
13 apartment, Rajshun Foster drove back out of Connecticut
14 Village to the same wooded drop-off path that he left the
15 two men and he picked them back up, and Franklin Dover said
16 "I shot him in the chest."

17 That's the case that the State is going to
18 present, ladies and gentlemen. You will hear that through
19 witness testimony from people who were there.

20 We are going to start the day somewhat out of
21 order with the presentation of phone records. The Sprint
22 representative has to be in another court tomorrow, so we
23 have to take that a little out of order for you today, but
24 that's the witness that you will hear from today. Ryan
25 Keep, who is employed with Sprint, and he's going to put in

1 Franklin Dover's telephone records. And then later we will
2 explain the value of those records through another witness.

3 I ask that the judge -- ask please just be pay
4 attention to what the witnesses say. They were there. They
5 are going to come in and tell you the best they can as to
6 what they remember, what they saw, and at the conclusion of
7 the case I will come back and ask you to return a verdict of
8 guilty for murder against both Franklin Dover and Rajshun
9 Foster. Thank you.

10 THE COURT: Ms. Racine?

11 MS. RACINE: Thank you, Your Honor.

12 May it please the court?

13 THE COURT: Yes, ma'am.

14 MS. RACINE: Good afternoon. My name is Tracy
15 Racine and I represent Rajshun Foster.

16 As Ms. Leskanic has already told you, he is
17 charged with murder. And I know it's human nature when you
18 hear somebody charged with murder, the first thing you go
19 through is well, it's a serious charge, he must have done
20 it. He's got to prove that he didn't do it, but that's not
21 how the law works in South Carolina.

22 Our justice system has a very important legal
23 principle that everyone accused of a crime is presumed
24 innocent. I want you to think about that and what that
25 means and I want you to think about that throughout the

1 course of the trial; presumed innocent.

2 Rajshun is presumed innocent. He doesn't have to
3 try to do anything to convince you he's innocent. He
4 doesn't have to prove his innocence to you. It's up to Ms.
5 Leskanic and Mr. Kendall to prove to you that he is guilty.
6 They must convince you beyond a reasonable doubt that,
7 number one, a crime was committed, and number two, Rajshun
8 was part of that crime. Unless they can convince you of
9 those two things beyond a reasonable doubt, you can't find
10 Rajshun guilty of that crime.

11 Ms. Leskanic has laid out her road map of what she
12 intends to try to prove with her witness testimony, and you
13 are going to hear a lot of things. You are going to hear a
14 lot of things about Rajshun that may not make you like him,
15 it may make you think he's a bad guy, but that doesn't
16 necessarily mean he's guilty of this. It doesn't make him
17 guilty of murder. It might make him guilty of having a bad
18 temper. It might make him guilty of hanging around with
19 someone who is accused of murder. That does not make him
20 guilty, but you are going to have questions. There may be
21 questions that aren't answered. Those questions are the
22 questions that I want you to pay attention to. Think about
23 what is not being said in this case.

24 With that being said, regardless of what you hear,
25 or don't hear, there are some important matters right now

1 and throughout this trial is the principle I talked to you
2 about a few minutes ago and that is presumed innocent. At
3 this moment and under the law right now, and throughout the
4 entire trial, Rajshun is presumed innocent.

5 At the end of this case I'll come back and I'll
6 talk to you again and I'll ask you to return a verdict of
7 not guilty against my client. Thank you.

8 MR. MORIN: Ladies and gentlemen, my name is
9 Michael Morin. I represent Frank Dover.

10 I'm 52. I watch a lot of westerns. My wife
11 doesn't like it. She says it's boring, but in a lot of
12 those westerns you see what happens is something happens, a
13 man gets shot, and in this case Timothy Blair was shot and
14 killed, just like the government lawyers say. And then what
15 happens? We round up a posse, and there is the posse.

16 She talks about circumstantial evidence, because
17 you know why? Because I do know a little bit about what you
18 are going to hear. You are not going to see a gun. You are
19 not going to see any eyewitnesses say they saw it. You are
20 not going to see any DNA. You are not going to see any
21 fingerprints. You are going to see circumstantial evidence.
22 "Well, your client was at Connecticut Village." And about
23 90 percent of this case is about people who say they saw
24 something else, "well, I saw this, I saw that." And most of
25 what you are going to hear me ask these witnesses, these lay

1 witnesses -- I don't know if they are going to call any law
2 enforcement officers, but the lay witnesses, the people that
3 you are going to hear that lived out there, I'm going to be
4 asking them questions. As the judge said, you are going to
5 have to judge their credibility and character of these
6 people. Where were they when they say that they saw the
7 thing they saw? And is the thing they say they saw the same
8 as the witness before them, or is it different?

9 And, finally, there is Antron Bonner. Now, Mr.
10 Bonner is charged. And, again, I find that I'm getting
11 older and I'm not sure exactly how to put this -- let's just
12 say that it will interesting to hear how what Mr. Bonner
13 says. I don't want to skew it. I'm going to talk about it
14 at the end, but I think it's going to be obvious, okay?

15 And at the end I'm going to ask you whether or not
16 the government has proven my client is guilty of murder.
17 And I'm sure the State is going to put up some witnesses and
18 pictures and stuff that are going to be bad, as you can
19 imagine, but that's not what we're here to decide. Mr.
20 Blair was shot and killed. What we are here to decide is
21 can this government show beyond a reasonable doubt that Mr.
22 Dover is the one who did it?

23 I have gone through the witnesses and I have
24 talked to some of them and I'm confident they can't, but I
25 will leave that up to you, and when we get done I'll make

1 another -- explain why I believe the way I do and we will
2 see what the government can get with their circumstantial
3 evidence. Thank you.

4 THE COURT: Solicitor.

5 MR. KENDALL: Your Honor, at this time the State
6 would call Mr. John Ryan Keep.

7 THE CLERK: Please raise your right hand and place
8 your left hand on the Bible.

9 JOHN RYAN KEEP, having been first duly sworn,
10 testified as follows:

11 THE WITNESS: I do.

12 THE CLERK: Okay. Watch your step.

13 THE COURT: Mr. Keep, tell us you who you are and
14 spell your last name for my court reporter, please.

15 THE WITNESS: Yes. My name is John Ryan Keep.
16 Last name is K-E-E-P.

17 THE COURT: Thank you.

18 Solicitor.

19 DIRECT EXAMINATION BY MR. KENDALL:

20 Q. Mr. Keep, where are you currently employed?

21 A. I work for Sprint.

22 Q. And where is that out of?

23 A. Overland Park, Kansas.

24 Q. All right. And how long have you worked for Sprint?

25 A. Since 2009.

1 Q. All right. And what are your responsibilities at
2 Sprint?

3 A. I'm a records custodian. I provide records based on
4 legal demands and then I testify to those records.

5 Q. Okay. I'm going to show you what is marked State's
6 Exhibit 25. Do you recognize that?

7 A. I do.

8 Q. And what is State's Exhibit 25?

9 A. This is subscriber information and call detail records
10 for telephone number [REDACTED] 2314.

11 Q. All right. And is that a fair and accurate
12 representation of the telephone records that were provided
13 to us by Sprint?

14 A. It is.

15 MR. KENDALL: Your Honor, at this time we would
16 offer State's Exhibit 25 into evidence.

17 MR. MORIN: No objection.

18 MS. RACINE: No objection.

19 THE COURT: Without objection, State's 25 is
20 admitted.

21 (Whereupon, State's Exhibit No. 25 was entered
22 into the record as evidence)

23 BY MR. KENDALL:

24 Q. In a minute we are going to try to go through those,
25 but to start off, are these records you all keep kind of in

1 the normal ordinary course of business?

2 A. They are.

3 Q. And included in those records are you able to identify
4 who the subscriber associated with that phone number was? I
5 believe the phone number was [REDACTED] 2314, is that correct?

6 A. That's correct.

7 Q. Who the subscriber was back in June of 2014?

8 A. Yes.

9 Q. And who was that subscriber?

10 A. The name listed on the account is Franklin Dover.

11 Q. Okay. And what sort of information do those records
12 contain?

13 A. The subscriber information contains the subscriber
14 name, subscriber's billing address. It also contains
15 information about the physical handset, the serial number of
16 the device.

17 And the call detail records will have the incoming and
18 outgoing, as well as routed phone calls; the time stamps for
19 those calls; and the cell site information for the tower
20 that was used to place those calls.

21 Q. All right.

22 MR. KENDALL: If I could, Your Honor, I would like
23 to publish this to the jury as the witness explains kind of
24 what's included in this information.

25 THE COURT: Yes, sir.

1 BY MR. KENDALL:

2 Q. Please bear with me. This machine at times requires
3 some coaxing.

4 Are you able to read that at all, or would you just
5 prefer to have the physical copy of it?

6 A. I can -- is it possible for me to step down to --

7 THE COURT: Yes.

8 Sir, stand next to my court reporter, please.

9 (Witness off the witness stand).

10 BY MR. KENDALL:

11 Q. Now, going left to right, if you could --

12 If you need to step back here to actually physically
13 look at the sheet as well, that would be quite all right.

14 If you could, please kind of explain each of these
15 columns from right -- from left to right, excuse me.

16 Can you be able to tell what this first column is?

17 A. Yes, that is the calling number column. That's the
18 phone number that places the phone call or sends the text
19 message.

20 Q. Okay. And the column to the right of that?

21 A. That is the called number. That's the number that
22 receives the phone call or receives the text message.

23 Q. All right. And next to that?

24 A. That's dialed digits. That is the phone number that
25 was typed into the calling phone's handset to complete the

1 phone call.

2 Q. Okay. And next to that it says MR. What is that?

3 A. That's stands for mobile role. That indicates if it
4 was an outbound, an inbound, or a routed phone call.

5 Q. And what would be an outbound phone call?

6 A. If the phone number I just stated placed a phone call.

7 Q. And what -- what would be an inbound phone call?

8 A. If that number received a phone call.

9 Q. And what about the routed calls? What are routed
10 calls?

11 A. On this report most commonly we will see routed calls
12 as routing to voicemail. That means that somebody calls the
13 phone number in question, that phone wasn't answered and the
14 person calling was given the opportunity to leave a
15 voicemail on the voicemail system.

16 Q. Okay. All right.

17 And going to the right of this, it indicates start
18 date. What is that?

19 A. That is the date and time that the phone call started
20 on Sprint network, or the date and time that a text message
21 was sent.

22 Q. Okay. And end time?

23 A. The end time is the time and date that the phone call
24 ended on the Sprint network.

25 For text messages it will be the exact same as the

1 start time as the text message data is sent instantaneously.

2 Q. Okay. And then moving to the right.

3 All right. The next column is duration. What is
4 duration?

5 A. That is how long the phone call lasts on the Sprint
6 network and that is indicated in seconds.

7 Q. Okay. And NEID?

8 A. NEID stands for network element ID. That is just a
9 numerical value that we have for the switch that processed
10 the phone call.

11 Q. Okay. And, likewise, repoll number?

12 A. Repoll is the number -- it was actually replaced by
13 NEID. It was just left on here for legacy purposes so that
14 people that were used to reading our old record wouldn't be
15 confused by the addition of NEID.

16 Q. Then next you have 1st cell and last cell. What is
17 this?

18 A. The 1st cell is the cell tower. And beside of that
19 cell tower that was used for the phone call when the call
20 started.

21 The last cell is the cell tower and the site of the
22 tower that was used when the phone call ended.

23 Q. Okay. Now, how many sides --

24 Well, first of all, coming down, what does Sprint
25 operate on primarily?

1 A. It's a TMA network.

2 Q. Okay.

3 A. And so the equipment that we use for these towers are
4 lucent. It's a lucent switch so that these towers have
5 three sides.

6 Q. Okay. If they have three sides, how come you have the
7 number four here?

8 A. The first digit on each number represents the side of
9 the tower and on our records we use 2, 3, and 4 to represent
10 sides 1, 2, and 3.

11 Q. Okay.

12 A. We just need to add one -- I'm sorry, subtract one
13 digit off of the number on this report to find that sector
14 on the corresponding document.

15 Q. Okay. So is it fair to say that that's just something
16 that's unique to the lucent towers, that it goes 2, 3, 4?

17 A. It is.

18 Q. Okay.

19 (Witness back on the witness stand).

20 BY MR. KENDALL:

21 Q. And, likewise, last cell, would that be the last cell
22 tower that it hit off of?

23 A. That's correct.

24 Q. And is it fair to say you have approximately 30
25 something pages of this, that that's the same structure and

1 format that's used to keep all of Sprint's records? Is that
2 fair to say?

3 A. For the call detail records and the cell site, yes.

4 Q. Okay. And with regard to these records, were these the
5 records that -- or like a copy of these records, where they
6 were provided to South Carolina Law Enforcement Division as
7 a result of the investigation?

8 A. That's correct.

9 Q. Okay. Now, I'm going to show you what is marked
10 State's Exhibit 26. Do you recognize this?

11 A. I do.

12 Q. And what is that?

13 A. This is a list of the cell towers for the Greenville
14 switch market area.

15 Q. Okay. When you say a list of the cell towers, what
16 information does it provide?

17 A. This corresponds with NEID 54, which we saw on the
18 previous document, and this is a list of all of the cell
19 towers that that network switch is connected to.

20 Q. Okay. And is that -- is that available anywhere in the
21 world?

22 A. It is available. It's provided with all of our call
23 detail records with cell site requests, if we provide those
24 records. It's also available on our law enforcement support
25 portal that we have for legal compliance.

1 Q. And does that represent a fair and accurate --

2 Were those the records that were provided to us kind of
3 in preparation for this case?

4 A. Yes.

5 Q. And is that a fair and accurate representation of the
6 relevant towers that would have been in effect back in
7 June -- on June 22nd of 2014?

8 A. Yes.

9 MR. KENDALL: Your Honor, at this time the State
10 would offer State's Exhibit 26 into evidence.

11 MR. MORIN: No objection.

12 MS. RACINE: No objection.

13 THE COURT: Without objection, State's 26 is
14 admitted.

15 (Whereupon, State's Exhibit No. 26 was entered
16 into the record as evidence)

17 BY MR. KENDALL:

18 Q. Again, just to go through this very quickly, if you
19 would like to step down, with the court's permission again.

20 THE COURT: Yes.

21 THE WITNESS: Thank you, Your Honor.

22 (Witness off the witness stand).

23 BY MR. KENDALL:

24 Q. If you could, just sort of explain to us kind of what
25 each one of these columns mean.

1 What are the cells?

2 A. The cell number in the first column is the actual
3 number of that cell tower.

4 On the call detail records we just looked at, it's the
5 trailing digits. The first digit is the sector. The
6 remaining digits represent the cell number.

7 Q. Okay. And Cascade ID?

8 A. That's a specific ID that we use for each tower. You
9 will notice that each individual cell number will have a
10 specific Cascade ID. That's just something that we use for
11 internal tracking purposes.

12 Q. And switch?

13 A. Switch will be uniform to this entire document, because
14 this is the Greenville switch. That's just the name of the
15 market area for these towers.

16 Q. And would that include the Gaffney area as well?

17 A. Yes.

18 Q. And NEID?

19 A. That stands for network element ID. That's just a
20 numerical value that we have to represent the Greenville
21 switch.

22 Q. And repoll?

23 A. Again, a numerical value that we use to identify the
24 Greenville switch.

25 Q. Okay. And then getting more interesting, but longitude

1 and latitude?

2 A. The latitude and longitude will represent the location
3 of where that tower is and that would just be plotted on any
4 map using any mapping software, or you can do it by hand, if
5 you have the right equipment.

6 Q. Okay. So that basically provided the location of where
7 this cell tower is?

8 A. That's correct.

9 Q. And then we have the BTS Manufacturer?

10 A. That indicates who the manufacturer of this equipment
11 and that's uniform to this document as well. It's all
12 lucent.

13 Q. All right. And then we have the sector?

14 A. That indicates the site of the tower. So if you go
15 back to the previous document, the first digit on the cell
16 number indicates if it is sector 1, 2, or 3.

17 And, again, on that document it's 2, 3 and 4. So we
18 need to just subtract one digit from the other document to
19 get the sector on this document.

20 Q. Okay. And then we have azimuth. What is azimuth?

21 A. That indicates which direction the tower -- or I'm
22 sorry, not the tower itself, but the radius on the tower
23 point. So, for example, sector 1 on tower 1, the first
24 column is the first relevant information says 0, that means
25 that that radio is facing 0 degrees, which is north.

1 Q. Okay. All right. So from this --

2 And then finally we just have CDR status. What is
3 that?

4 A. That indicates that that -- if that tower was active or
5 de-active at the time.

6 Q. So from this document this provides the location and
7 the orientation of the cell towers, is that fair to say?

8 A. That's correct.

9 (Witness back on the witness stand).

10 BY MR. KENDALL:

11 Q. And this would have been what was in place, it would
12 have represented the towers that were being in use back in
13 June of 2014?

14 A. That's correct.

15 MR. KENDALL: I have no further questions, Your
16 Honor.

17 THE COURT: Yes, sir.

18 CROSS EXAMINATION BY MR. MORIN:

19 Q. Sir, I'm going to try to make this brief. You are
20 probably going to be able to tell I don't know what I don't
21 know.

22 Sprint was asked to get the subscriber information for
23 Mr. Dover, is that correct?

24 A. Yes.

25 Q. Was Sprint asked to get any other subscriber

1 information that you are aware of?

2 A. I do not know.

3 Q. And that would have come from law enforcement, if they
4 wanted someone else's, is that correct?

5 A. That actually I don't know.

6 Q. I mean, this request was from law enforcement, is that
7 correct?

8 A. That's right.

9 Q. So if they wanted different subscriber, that would also
10 come from law enforcement?

11 A. (No response).

12 Q. Not sure?

13 A. Well --

14 Q. Go ahead.

15 A. -- subscriber information can be provided based on
16 search warrants, court orders and subpoenas.

17 Q. Fair enough. Okay.

18 Now, these cell phone records show a lot of numbers
19 calling in, coming out, or texting, or what have you,
20 correct?

21 A. Yes.

22 Q. Different numbers?

23 A. Yes.

24 Q. Does Sprint have the ability to tell who those numbers
25 go to?

1 A. The -- Sprint could provide subscriber information of
2 those numbers if they are owned by Sprint.

3 Q. Okay. Do you know if that was done?

4 A. I do not know.

5 Q. All right.

6 Now, you have got down here that it's a CDM or -- I
7 forget what the letters are. That's where I'm going to go
8 off.

9 A. CMA.

10 Q. CMA.

11 Because some AT&T and T-Mobile I think are on GSM?

12 A. That's correct.

13 Q. Okay. So if I'm on a GSM phone, T-Mobile or AT&T, and
14 I call Sprint or Verizon, because they are CBMA, is that
15 going to show up any differently on this?

16 A. The -- on our call detail records --

17 Q. Uh-huh.

18 A. -- the calls will show up the same, regardless of what
19 number they are coming from.

20 Q. Okay. All right.

21 So it doesn't matter about the network or the
22 technology that's being used? It's all going to show up the
23 same?

24 A. That's right.

25 Q. So some of these numbers on here might be from Verizon,

1 some of them might be from AT&T, some of them might be other
2 Sprint?

3 A. That's possible.

4 Q. And if they were other Sprint and you were asked could
5 you tell us who these numbers are, then you would have been
6 able to figure at least the Sprint side of that?

7 A. If provided with legal demand to do so, yes.

8 Q. Correct, but the --

9 MR. MORIN: That's all questions I have.

10 MS. RACINE: I have no questions for this witness,
11 Your Honor.

12 THE COURT: All right. Sir, you may step down.

13 Well -- anything?

14 REDIRECT EXAMINATION BY MR. KENDALL:

15 Q. Just so everybody understands how you roll with the
16 process, you are not like a law enforcement officer,
17 correct?

18 A. No.

19 Q. When a lawful search warrant, subpoena, or otherwise
20 order is sent to you, you provide those records, try to keep
21 the records, is that fair to say?

22 A. That's correct.

23 Q. You don't take an active role in the investigation?
24 You provide records, and that's what law enforcement did
25 with what they will?

1 A. That's right.

2 Q. Is that fair to say?

3 A. Yes.

4 MR. KENDALL: Nothing further, Your Honor.

5 THE COURT: Anything else?

6 MR. MORIN: No, sir.

7 MS. RACINE: No, sir.

8 THE COURT: Sir, you may step down. Please be
9 careful.

10 THE WITNESS: Thank you, Your Honor.

11 MR. KENDALL: Your Honor, we would request that
12 this witness be excused. He has got a plane to catch.

13 MR. MORIN: No objection.

14 MS. RACINE: No objection.

15 THE COURT: You may stay or go. Have safe
16 travels.

17 Anything?

18 MS. LESKANIC: No.

19 THE COURT: Ladies and gentlemen, we are going to
20 recess at this point in time. We had to get that witness'
21 testimony this afternoon, and we are going to recess. It
22 would be really too late to call another witness anyway.
23 It's about a quarter to five p.m.. We try not to work too
24 late this week, but we might go over a little bit.

25 With that we are going on recess for the evening.

1 back steps with the bailiffs and they are going to bring you
2 to your jury assembly room -- jury deliberation room here.

3 Now, I'm going to go ahead and brag and tell you
4 these folks with the blue coats make some really good
5 coffee. So if you get here in the morning, and I will, they
6 have some good hot coffee here. So get here in time to get
7 yourself a cup, refresh yourselves, make that last phone
8 call, leave your phone in your car, please. And, again, if
9 you have one of those wrist watches that has that
10 capability, please leave that at home or in the car as well.
11 Don't bring it into the courthouse.

12 Mr. Foreman, take your jury out and be excused for
13 the evening and see you tomorrow morning at 9:30.

14 (The following takes place outside the presence of
15 the jury panel)

16 THE COURT: All right, anybody need me before we
17 recess? If not, we're recessed until tomorrow.

18 MS. LESKANIC: No, sir, Your Honor.

19 MR. MORIN: No, sir.

20 THE COURT: I'll be here. If anybody needs me,
21 I'll be here in the morning at eight o'clock.

22 (Whereupon, proceedings were recessed to July 16,
23 2019)

24

25

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
-vs-) 2015-GS-11-00875
6)
7 FRANKLIN PIERRE DOVER,) JULY 16, 2019
8) GAFFNEY, SOUTH CAROLINA
DEFENDANT.)

9
10 (VOLUME II)

11
12 B E F O R E:

13 THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.
14
15
16

17 A P P E A R A N C E S:

18 KIMBERLY L. LESKANIC, DEPUTY ASSISTANT SOLICITOR
19 ATTORNEY FOR THE STATE

20 G. MATTHEW KENDALL, ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

21 MICHAEL MORIN, ESQUIRE
22 ATTORNEY FOR DEFENDANT FRANKLIN PIERRE DOVER
23

24 MICHAEL R. WATTS
25 CIRCUIT COURT REPORTER

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
-vs-) 2014-GS-11-00878
6)
7 RAJSHUN BERNARD FOSTER,) JULY 16, 2019
8) GAFFNEY, SOUTH CAROLINA
DEFENDANT.)

9
10 (VOLUME II)

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ATTORNEY FOR THE STATE

19 G. MATTHEW KENDALL, ASSISTANT SOLICITOR
20 ATTORNEY FOR THE STATE

21 TRACY RACINE, ATTORNEY AT LAW
22 ATTORNEY FOR DEFENDANT RAJSHUN BERNARD FOSTER

23
24 MICHAEL R. WATTS
CIRCUIT COURT REPORTER
25

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1 (PROCEEDINGS, JULY 16, 2019)

2 (Whereupon, the lawyers approached the bench for
3 an off-the-record discussion).

4 THE COURT: Bring in Juror Number 110.

5 (Whereupon, Juror Number 110 was brought into the
6 courtroom)

7 THE COURT: Sir, come on around right there,
8 please --

9 JUROR NUMBER 110: Okay.

10 THE COURT: -- by the microphone.

11 You are Mr. Reynolds?

12 JUROR NUMBER 110: Yes, sir.

13 THE COURT: Mr. Reynolds, my clerk advised me
14 that -- I don't talk to jurors outside the presence of the
15 lawyer but for the record, so my clerk advised me that you
16 had recently moved --

17 JUROR NUMBER 110: Uh-huh.

18 THE COURT: -- into Spartanburg County?

19 JUROR NUMBER 110: Yes, I moved in with my
20 girlfriend.

21 THE COURT: Okay. Well, do you still have a
22 residence in -- a residence in --

23 JUROR NUMBER 110: No, I just have my vehicles
24 here ready to have transferred. I hadn't transferred my
25 vehicle into Spartanburg County yet. I was living with a

1 friend in Cherokee County.

2 THE COURT: You were living with a friend in
3 Cherokee County?

4 JUROR NUMBER 110: Yes.

5 THE COURT: So you don't have an apartment, a
6 house --

7 JUROR NUMBER 110: Uh-uh.

8 THE COURT: -- a mobile home, nothing here --

9 JUROR NUMBER 110: No, sir.

10 THE COURT: -- here in Cherokee County?

11 JUROR NUMBER 110: No, sir.

12 THE COURT: Well --

13 Anything from the State? He is no longer a
14 resident of Cherokee. He doesn't have anything.

15 Obviously if you had a residence here, I would
16 view that as you being temporarily away. My daughter is in
17 college and her home of record is still my residence --

18 JUROR NUMBER 110: Yes, sir.

19 THE COURT: -- even though they decided to live in
20 Richland County, but you don't have any contact with --
21 residence-wise in Cherokee County?

22 JUROR NUMBER 110: No, sir.

23 THE COURT: Okay. Anything from the State? Any
24 questions?

25 MS. LESKANIC: (No response).

1 THE COURT: Anything? Nothing?

2 MS. LESKANIC: I'm just looking at the address on
3 the jury questionnaire, Your Honor. That was the Quinn
4 Trail in Cowpens?

5 JUROR NUMBER 110: Yes, [REDACTED] Quinn Trail.

6 THE COURT: That was your friend?

7 JUROR NUMBER 110: Uh-huh.

8 THE COURT: Okay. Anything from the defense
9 lawyers?

10 MR. MORIN: I have nothing, Your Honor.

11 THE COURT: Ms. Racine?

12 MS. RACINE: No, Your Honor.

13 THE COURT: Sir, we will have to excuse you. We
14 certainly wished we had known this yesterday, but --

15 JUROR NUMBER 110: Yeah, it was -- I'm sorry about
16 that.

17 THE COURT: It's okay.

18 All right. We will have to -- we will have to
19 excuse you. I'm going to let you turn your badge in and be
20 sure that you get your vehicles and voter registration, if
21 you are a voter, changed over there, and driver's license
22 and so forth, so we don't run into this --

23 JUROR NUMBER 110: Yes.

24 THE COURT: -- because you could run into this
25 again.

1 JUROR NUMBER 110: Yes.

2 THE COURT: If not in this court, in Magistrate
3 Court.

4 JUROR NUMBER 110: Oh, yeah. I'm going to get it
5 squared away.

6 THE COURT: Okay. All right. Thank you, sir.

7 JUROR NUMBER 110: All right.

8 Do I just go?

9 THE COURT: You are free to go.

10 JUROR NUMBER 110: Okay.

11 (Whereupon, Juror Number 110 was discharged from
12 further jury service and left the courtroom)

13 THE COURT: We need juror -- let's see, that would
14 be number 70, is that right?

15 MS. LESKANIC: I think it's --

16 THE CLERK: Juror 2.

17 THE COURT: Oh, Juror 2.

18 THE CLERK: She's alternate number 2.

19 THE COURT: Okay. We need juror number 2, Ms.

20 Alcantara.

21 THE CLERK: Alcantara.

22 THE COURT: Alcantara.

23 THE CLERK: Magdalena Alcantara.

24 (Whereupon, Juror Number 2 was brought into the
25 courtroom)

1 THE COURT: Ma'am, come around please, if you
2 will.

3 You are Magdalena Alcantara?

4 JUROR NUMBER 2: Yes, sir.

5 THE COURT: Ms. Alcantara, I have been handed a
6 note that says that you are having difficulty with a
7 baby-sitter?

8 JUROR NUMBER 2: Yes.

9 THE COURT: Okay. I don't have any way of
10 excusing you for that.

11 Is Francisco Alcantara your husband?

12 JUROR NUMBER 2: That's my dad.

13 THE COURT: That's your dad?

14 JUROR NUMBER 2: Yes, sir.

15 THE COURT: Okay. So you have parents that are
16 here --

17 Wait a minute. This says he's 22 years of age.
18 That's not your dad, is it?

19 JUROR NUMBER 2: Oh, that's my brother.

20 THE COURT: That's your brother?

21 JUROR NUMBER 2: Yes, sir.

22 THE COURT: Okay. But you have family here. Is
23 there no one in the family that can assist you with
24 day-care?

25 JUROR NUMBER 2: Well, my mom, she watches over

1 him right now.

2 THE COURT: She can't watch him the rest of the
3 week?

4 JUROR NUMBER 2: Yeah, I can -- I mean, she can
5 probably. I can talk to her about it.

6 THE COURT: Well, if you don't mind you are going
7 to have to talk to her about that, because there is no
8 provision for me to dismiss you for that reason. I mean,
9 you work outside the home, right?

10 JUROR NUMBER 2: Yes, sir, I work part-time at
11 State Farm.

12 THE COURT: State Farm?

13 JUROR NUMBER 2: Yeah. I usually go in twelve or
14 one o'clock in the afternoon and that's when I'm going to
15 get the baby-sitter, so -- and it's the same part of the
16 week or before and then --

17 THE COURT: Okay. Well, if you don't mind talking
18 to her and make sure that someone in your family can take
19 care of the child, or you are going to have to arrange for
20 paid day-care or something, okay?

21 JUROR NUMBER 2: Okay.

22 THE COURT: Okay. We need you, okay?

23 JUROR NUMBER 2: Okay.

24 THE COURT: All right. Stay with us.

25 (Whereupon, Juror Number 2 returned to the jury

1 room)

2 THE COURT: Okay.

3 Mr. Bailiff, just reach in there and pull out one
4 of those.

5 THE CLERK: Adara McClure. She is juror 81.

6 THE COURT: All right.

7 THE CLERK: Yeah, 81.

8 THE COURT: She's the first one picked anyway.

9 Any objection to number 81 being moved to the
10 panel?

11 MS. LESKANIC: None from the State.

12 MR. MORIN: No, sir.

13 MS. RACINE: No, sir.

14 THE COURT: Okay.

15 THE COURT: All right. We ready for the jury?

16 MS. LESKANIC: The State is ready.

17 MR. MORIN: Defense is ready.

18 THE COURT: All right. We are ready.

19 (The following takes place in the presence of the
20 jury panel)

21 THE COURT: Jury number 81, Ms. McClure?

22 JUROR NUMBER 81: Yes.

23 THE COURT: You are now part of the twelve. You
24 have been moved to the twelve. Juror 110 has been excused
25 from the jury, so you are now part of the twelve.

1 And, ma'am, Ms. Alcantara, you are the alternate
2 and if you will always sit in that seat. If we have two
3 alternates, I don't have enough chairs, so I have to put you
4 down here, but I don't want you sitting down there by
5 yourself. I'm going to let you sit right there. If don't
6 mind, always sit in that seat, and, sir, you are in the
7 correct seat. Everybody else can move around.

8 All right. Mr. Foreman, any matters for the jury?

9 JURY FOREPERSON: No.

10 THE COURT: Ready to go.

11 Yes, ma'am.

12 MS. LESKANIC: May it please the court?

13 THE COURT: Yes.

14 MS. LESKANIC: The State calls Terrica Bonner.

15 THE CLERK: Please raise your right hand and put
16 your left hand on the Bible.

17 TERRICA BONNER, having been first duly sworn,
18 testified as follows:

19 THE WITNESS: I do.

20 THE CLERK: Watch your step.

21 THE COURT: Ma'am, tell us your name, please, and
22 spell your last name for the court reporter.

23 THE WITNESS: Terrica Bonner, B-O-N-N-E-R.

24 THE COURT: Thank you.

25 Solicitor.

1 MS. LESKANIC: May it please the court.

2 DIRECT EXAMINATION BY MS. LESKANIC:

3 Q. Good morning, Ms. Bonner.

4 A. Good morning.

5 Q. I want to take you back to June 22nd of 2014. Did you
6 know Timothy Blair?

7 A. Yes.

8 Q. And how did you know Mr. Blair?

9 A. We was dating.

10 Q. How long had you and Mr. Blair been dating?

11 A. About a year.

12 Q. And during that year did you live in Connecticut
13 Village?

14 A. Yes.

15 Q. And did he come and see you while you were in
16 Connecticut Village?

17 A. Yes.

18 Q. Did he live in Connecticut Village?

19 A. Yes.

20 Q. Did he live with you during some of that time?

21 A. Yes.

22 MR. MORIN: Your Honor, I'm going to object to her
23 leading. I know she's doing some of it and it's necessary,
24 but it's being repetitive already.

25 MS. LESKANIC: I'm just asking if he lived there.

1 I think that's an open --

2 THE COURT: Okay. Let's -- go ahead.

3 MS. LESKANIC: Thank you, Your Honor.

4 BY MS. LESKANIC:

5 Q. So you and Mr. Blair had been dating on and off for a
6 year, is that right?

7 A. Yes.

8 Q. You lived in Connecticut Village.

9 Let me show you what's been marked State's Exhibit 1
10 and 2. If you would, take a look at those and tell me if
11 you recognize that?

12 A. Yes.

13 Q. And what does that show?

14 A. Connecticut Village.

15 Q. Okay. And looking at both of those, do they both show
16 an accurate aerial view of Connecticut Village?

17 A. Yes.

18 MS. LESKANIC: Your Honor, I would offer at this
19 time State's Exhibit 1 and 2 for admission.

20 THE COURT: Any objection?

21 MR. MORIN: I think I know what they are.

22 I don't have any objection.

23 MS. RACINE: No objection.

24 THE COURT: State's 1 and 2 are admitted without
25 objection.

1 (Whereupon, State's Exhibit No. 1 was entered into
2 the record as evidence).

3 (Whereupon, State's Exhibit No. 2 was entered into
4 the record as evidence)

5 MS. LESKANIC: Thank you. May I publish, Your
6 Honor.

7 THE COURT: Yes, ma'am.

8 BY MS. LESKANIC:

9 Q. Okay. Ms. Bonner, I'm going to start with State's
10 Exhibit 1.

11 I'm going to ask that you step down, if you don't mind.
12 Be careful on the steps.

13 (Witness off the witness stand)

14 BY MS. LESKANIC:

15 Q. And using this laser pointer, could you point out for
16 the ladies and gentlemen of the jury where you live?

17 A. Right here.

18 COURT REPORTER: Louder please.

19 BY MS. LESKANIC:

20 Q. Which apartment --

21 How do you get into your apartment? If you can take
22 them down into Connecticut Village?

23 A. You come through here.

24 Q. Uh-huh.

25 A. My apartment is right here on the end.

1 Q. Okay. Now, is that the front side or the back side?

2 Let me --

3 Okay. So this one here is your apartment, is that
4 right?

5 A. Yes.

6 Q. On the end?

7 A. Yes.

8 Q. Okay. And is this back here, is this the front or back
9 of the apartment?

10 A. The back.

11 Q. And this side?

12 A. Is the front.

13 Q. Okay. And that's where you lived on June 22nd of 2014?

14 A. Yes.

15 (Witness back on the witness stand).

16 BY MS. LESKANIC:

17 Q. And is that where Mr. Blair would come and see you?

18 A. Yes.

19 Q. How did Mr. Blair physically get into your apartment?

20 A. He come to the back door or the window.

21 Q. Where was the window?

22 A. In the back side.

23 Q. So he would normally -- did he use the front door very
24 often?

25 A. Sometimes.

1 Q. When would he use the front door?

2 A. If I was at home.

3 Q. And you were not there, how would he go into the house?

4 A. The back door or using the window.

5 Q. Now, do you know the defendant Rajshun Foster and
6 Franklin Dover?

7 A. Yes.

8 Q. Okay. Did you know them on June 22nd, 2014?

9 A. Yes.

10 Q. Do you know whether Timothy Blair -- what did you call
11 him?

12 A. "Slick".

13 Q. Okay. So Timothy's nickname was "Slick"?

14 A. Yes.

15 Q. All right. Was he friends with either Mr. Foster or
16 Mr. Dover?

17 A. Yes.

18 Q. Who?

19 A. Rajshun Foster.

20 Q. So "Slick" and Rajshun were friends?

21 A. Yes.

22 Q. And can you tell the jury about their friendship kind
23 of before June 22nd and leading up to that day?

24 A. They was real good friends before, but then "Slick"
25 said that their friendship wasn't like it used to be.

1 Q. Did you notice a change?

2 A. Yes.

3 Q. Now, did something happen a few days before "Slick" was
4 murdered? Did anyone come to your apartment?

5 A. Yes.

6 Q. Who came?

7 A. Rajshun Foster and Frank Dover.

8 Q. Okay. Do you see those two people in the courtroom
9 today?

10 A. Yes.

11 Q. Could you please identify them for the jury and for the
12 court?

13 A. Frank's got on a plaid shirt and Rajshun with the
14 yellow shirt.

15 MS. LESKANIC: Your Honor, I would ask the record
16 to reflect that she's identified the defendants.

17 THE COURT: So noted.

18 BY MS. LESKANIC:

19 Q. And when did these two men come to your home?

20 A. A couple days before "Slick" got killed.

21 Q. And what happened when they came to your house?

22 A. There was looking for "Slick". They said they had
23 something for him.

24 Q. How did they appear? What was their demeanor like?

25 A. They was looking for him. It wasn't no friendly visit.

1 Q. And was "Slick" there at the time?

2 A. No.

3 Q. Let me ask you now. Connecticut Village, is that
4 located in Cherokee County?

5 A. Yes.

6 Q. All right. What was your apartment number at the time?

7 A. 1.

8 Q. Now, did you ever tell "Slick" that Frank and Rajshun
9 had come looking for him?

10 A. No.

11 Q. Did you -- what was your relationship with "Slick"
12 during the time around June 22nd?

13 A. We was not together.

14 Q. Okay. What does that mean? Explain that to the jury.
15 Were you are not speaking to him at all? What was your
16 relationship?

17 A. We was just in an on-and-off relationship.

18 Q. Okay. Was he still allowed to go into your home?

19 A. Yes.

20 Q. Did you see him the day that he was killed?

21 A. Yes.

22 Q. So you saw him June 22nd, 2014?

23 A. Yes.

24 Q. Do you remember what day of the week that was?

25 A. It was on a Sunday.

1 Q. Sunday.

2 Where did you see him?

3 A. I seen him walking through the complex in Connecticut
4 Village.

5 Q. Okay. I'm going to put up State's Exhibit 2.

6 Looking at that, would you be able to identify
7 approximately where you saw him that day?

8 Where were you going June 22nd?

9 A. What?

10 Q. Where were you going that day that you saw "Slick"?

11 A. I was riding through the village.

12 Q. Do you want to show the jury? If you need to step down
13 or if you can do it from there?

14 A. I seen him up in here --

15 Q. Okay.

16 A. -- walking.

17 Q. And where were you?

18 A. I had stopped and talked to him.

19 Q. Were you in a car or walking?

20 A. Yeah, I was in a car.

21 Q. Okay. Just tell the jury what you were doing and what
22 you saw.

23 A. I was riding through and I stopped and talked to
24 "Slick". And then as I was leaving out --

25 Q. Where did you go after you talked to "Slick"?

1 A. Up through here up to my aunt's.

2 Q. How long did you talk to her?

3 A. About five minutes.

4 Q. Okay. And then what did you do?

5 A. I rolled back through and I didn't see him any more and
6 then I left.

7 Q. Okay. And then what did you see? Did you see anything
8 when you were leaving?

9 A. Yes, I seen Rajshun coming through in his girlfriend's
10 car and he came in, and I was leaving, and he turned like he
11 was following me, and then he turned back around.

12 Q. Okay. You saw Rajshun --

13 A. Yeah.

14 Q. -- in his girlfriend's car. Do you know what kind of
15 car she had?

16 A. A gray box-style jeep.

17 Q. Okay. Could you tell if anybody was with Rajshun?

18 A. Yes, it was three inside the car.

19 Q. Were you able to identify any of those three other
20 people?

21 A. No.

22 Q. Can you show with the laser pointer where you were
23 pulling out and where you saw Rajshun and these three guys
24 in the car?

25 A. I was pulling out right here and they was coming down

1 the road.

2 Q. And where did you see Rajshun?

3 A. As I was pulling out?

4 Q. Yes, ma'am.

5 A. He was pulling in.

6 Q. Okay. Just show them with the laser pointer where he
7 pulled in, please.

8 A. He pulled in right here.

9 Q. Okay. And what did he do?

10 A. He turned around.

11 Q. Please show them with the pointer.

12 A. (Witness pointing with laser pointer).

13 Q. Okay. And then what?

14 A. He was following, like he was following me.

15 Q. So which direction did you go when you pulled out of
16 Connecticut Village?

17 A. This way.

18 Q. Is that towards Ewing Middle School?

19 A. Yes.

20 Q. And where was Rajshun and these three other guys?

21 A. In the car behind me.

22 Q. And what did you notice?

23 A. That they stopped.

24 Q. Where did they stop? And I'll put up State's

25 Exhibit 1, a little bit further view.

1 A. Up in here.

2 Q. What did you see?

3 A. I seen them when they pulled over.

4 Q. So they pulled over on the right or left side of the
5 road?

6 A. It would be on the right.

7 Q. Okay. They pulled over on the right side of the road.
8 Did you see the vehicle again?

9 A. No, I was gone.

10 Q. And how certain are you that that was Rajshun that
11 pulled into the village and followed behind you?

12 A. I know it was Rajshun.

13 Q. How do you know him?

14 A. He's my cousin.

15 Q. Okay. So are you a hundred percent sure that was him?

16 A. Yeah.

17 Q. Thank you.

18 And where did you go? When you were leaving
19 Connecticut Village, where were you headed?

20 A. To my mom's.

21 Q. Did you make it to your mom's house?

22 A. Yes.

23 Q. How far does she live from Connecticut Village?

24 A. About five or ten minutes.

25 Q. Okay. And what happened after you got to your mom's

1 house?

2 A. I had a phone call that "Slick" just got killed.

3 Q. How soon did you receive that phone call,
4 approximately, after you left Connecticut Village?

5 A. About ten minutes.

6 MS. LESKANIC: One moment, please.

7 (Off the record).

8 (Back on the record).

9 BY MS. LESKANIC:

10 Q. Thank you.

11 Please answer any questions that the defense has.

12 CROSS EXAMINATION BY MR. MORIN:

13 Q. Ms. Bonner, back in 2014, when you were living in
14 Apartment **1**, who else was living there with you?

15 A. Me and my two kids.

16 Q. What?

17 A. Me and my two kids.

18 Q. And how old are your children?

19 A. Now they are eight and ten.

20 Q. Okay. So they were real young then?

21 A. Yes.

22 Q. They are real young now, right?

23 A. Yeah.

24 Q. Okay.

25 Now, Mr. Blair was living there enough that he was

1 getting mail there, wasn't he?

2 A. Yeah.

3 Q. In fact, the Department of Motor Vehicles was sending
4 him letters? Did you know that?

5 A. No.

6 Q. Did he have a driver's license?

7 A. Yeah.

8 Q. Did he have a car?

9 A. No.

10 Q. Okay.

11 Now, when you met Mr. Blair -- where did you meet Mr.
12 Blair?

13 A. Where did I meet him?

14 Q. Uh-huh.

15 A. Through a friend.

16 Q. I understand.

17 Did you meet him there in Connecticut Village?

18 A. Yeah.

19 Q. All right.

20 And when you met him, was he living in Connecticut
21 Village?

22 A. No.

23 Q. Where was he living then?

24 A. I don't know.

25 Q. Okay.

1 And at that time where were you working?

2 A. I wasn't.

3 Q. You weren't?

4 A. No.

5 Q. All right.

6 How far did you go in school?

7 A. 10th.

8 Q. You dropped out in the 10th?

9 A. Yeah.

10 Q. Okay.

11 How were you paying your bills?

12 A. My mom was helping me.

13 Q. Your mom was. Okay.

14 Now, Mr. -- you said Mr. Blair, you have known him for
15 about a year before this happened?

16 A. Yeah.

17 Q. Okay.

18 Now, you have testified that you knew Mr. Foster. He's
19 your cousin, right?

20 A. Yeah.

21 Q. You knew him your whole life?

22 A. No.

23 Q. No?

24 A. No.

25 Q. How long have you known Mr. Foster?

1 A. I didn't know he was my cousin.

2 Q. Oh, okay.

3 Well, how did you get to know Mr. Foster?

4 A. Through "Slick".

5 Q. Through "Slick"?

6 A. Yeah.

7 Q. Okay.

8 So you knew "Slick" longer than you knew Mr. Foster?

9 A. No.

10 Q. Well, if you met Mr. Foster --

11 A. I met -- I already knew him, but I didn't know he was
12 related to me.

13 Q. So it was after you started dating Mr. Blair?

14 A. Yeah, he saw him coming up to the house and him and
15 "Slick" became friends.

16 Q. Okay.

17 Now, Mr. Dover, how long did you know him?

18 A. I knew -- I knew of him, but I didn't know him like
19 that.

20 Q. Okay.

21 Well, let me ask you this. Are you still living in
22 Connecticut Village?

23 A. No.

24 Q. How long after this happened did you leave Connecticut
25 Village?

1 A. About a year.

2 Q. Okay. So you stayed in there another year?

3 A. Yeah.

4 Q. Okay.

5 During the time that you were in Connecticut Village,
6 was anyone else -- were there any other deaths of any kind
7 that you know of?

8 A. No.

9 Q. Okay.

10 And after this happened, a lot of people down there in
11 Connecticut Village were talking to each other about what
12 happened, weren't they?

13 A. Yeah.

14 Q. And during that time did you talk to Bernice Dowdle?

15 A. No.

16 Q. No.

17 How about Jasmine Hudson, did you ever talk to her?

18 A. No.

19 Q. How about Sharie Studyvance?

20 A. No.

21 Q. Nakisha Love?

22 A. No.

23 Q. Susan Crawford?

24 A. No.

25 Q. Kiara Douglas?

1 A. No.

2 Q. Rebi Tate?

3 A. No.

4 Q. No.

5 Now, Rebi Tate lived close to you, didn't she?

6 A. Yeah.

7 Q. In fact, just a few doors down?

8 A. Yeah.

9 Q. And did Rebi ever tell you about what she -- about what
10 she heard about this?

11 A. No, after -- when "Slick" got killed, I wasn't at home.
12 I stayed at my momma's house.

13 Q. Okay.

14 So when you say -- when I asked you if you stayed there
15 after this and you said a year, you are saying you didn't
16 stay there?

17 A. I was there off and on. I come in and out.

18 Q. Kind of like when "Slick" was staying there with you?

19 A. Yeah.

20 Q. Now, is there some reason why "Slick" didn't have a key
21 if he was staying there, he had to climb through the window?

22 A. I didn't give him my keys. I didn't give him a key.

23 Q. You didn't give him a key?

24 A. No.

25 Q. But he could get in when he wanted to?

1 A. Yeah.

2 Q. And that was okay with you, right?

3 A. Yeah.

4 Q. Now, getting back to Mr. Dover, you knew of him. Did
5 he live in Connecticut Village?

6 A. No.

7 Q. Did you ever see him in Connecticut Village?

8 A. I did one time.

9 Q. Just the one time?

10 A. Uh-huh.

11 Q. Is that the time that you talked to -- you told the
12 State that he came by with Rajshun?

13 A. Yeah.

14 Q. Okay.

15 Now, this happened five years ago, didn't it?

16 A. Yeah.

17 Q. Uh-huh.

18 And a couple months after it happened you talked to the
19 police, didn't you?

20 A. Yeah.

21 Q. Did they come out to your house and talk to you, or did
22 they take you back to --

23 A. I went to the station.

24 Q. Did they ask you to come? Did they call?

25 A. Yes, they actually called me.

1 Q. Okay. And you went down there and gave a statement?

2 A. Yeah.

3 Q. In fact, you gave two statements, didn't you?

4 A. Yeah.

5 Q. All right.

6 MR. MORIN: Would you mark this as Defendant's 1,
7 please?

8 (Statement of Terrica Bonner marked as Defendant
9 Dover Exhibit No. 1 for identification)

10 BY MR. MORIN:

11 Q. Ma'am, I'm going to show you what's been marked as
12 Defense Exhibit No. 1 for identification and ask if you
13 recognize this?

14 A. Yeah.

15 Q. Okay. And this is your signature down here, isn't it?

16 A. Yes.

17 Q. Uh-huh.

18 And I believe it's signed also by Richard Burgess and
19 Officer Clark. They were with the sheriff's department,
20 weren't they?

21 A. Yes.

22 Q. All right.

23 Now, this is the statement that you signed saying it's
24 your statement, correct?

25 A. Yes.

1 Q. Isn't it true that you told the police that Rajshun and
2 three other guys came to your apartment looking for "Slick"?

3 A. Yes, I only know it was them two.

4 Q. I'm sorry, let me -- let me say that back at you.

5 You testified to Ms. Leskanic's question that two
6 people came, Rajshun and Frank, correct?

7 A. Yes.

8 Q. But you told the police shortly after this that Rajshun
9 and three other guys came, is that correct?

10 A. Yes.

11 Q. And you didn't say Frank was one of the people, did
12 you?

13 A. No.

14 Q. So I'm going to ask you, is there a reason why --

15 And you said this is the only time you ever saw Frank,
16 is that correct?

17 A. Yes.

18 Q. Who were the other people that were with Rajshun?

19 A. I didn't know the other people.

20 Q. All right.

21 So there were more than two people. There was others?

22 A. Yes, but I didn't know them.

23 Q. All right.

24 So when Ms. Leskanic said did anybody come to your
25 house and you said two people, it was actually more than

1 two?

2 A. Yeah, that wasn't in my house. It was outside.

3 Q. Okay.

4 Now, during the time that you went back to the
5 apartment after this happened, okay, when you were in
6 Connecticut Village going to your apartment, visiting with
7 your friends, whatever, do you remember those times? You
8 were staying with your mom, and as you stated, you were
9 sometimes staying at your apartment. Do you remember that?

10 A. Yeah.

11 Q. Okay. And during that time did you ever speak to
12 anyone in Connecticut Village about what happened?

13 A. No.

14 Q. Never talked to anybody? Nobody ever came over and
15 said "I'm sorry to hear about Tim and I heard this, I heard
16 that?" That never happened?

17 A. Yeah, people said as passing by --

18 Q. Uh-huh.

19 A. -- but I didn't ever talk to them about the case.

20 Q. You never talked about the case?

21 A. No.

22 Q. Now, I may have not asked this question appropriately,
23 so let me just make sure, because I called out some names
24 and asked you if you talked to them, okay? I didn't ask you
25 if you knew them, okay?

1 So I ask you to -- I covered this ground, but I want to
2 make sure I ask the question right. Did you know Bernice
3 Dowdle?

4 A. Yes.

5 Q. What's her nickname?

6 A. "Bundaddy".

7 Q. "Bundaddy".

8 Did you know Charie Studyvance?

9 A. Uh-uh.

10 Q. Okay.

11 How about Nakisha Love?

12 A. Yeah, I know her, but not like that.

13 Q. Did you know her from when you lived out there at
14 Connecticut Village?

15 A. Yes.

16 Q. Okay.

17 And how about Kiara Douglas?

18 A. Yes.

19 Q. And Rebi you knew?

20 A. Yes.

21 Q. How about Chariece Allen? She lives I think straight
22 across from you.

23 A. Yes.

24 Q. Okay.

25 How about Antron Bonner?

1 A. Yes.

2 Q. How do you know Antron Bonner?

3 A. My cousin.

4 Q. He is your cousin?

5 A. Yes.

6 Q. And how long have you known Antron?

7 A. All my life.

8 Q. All your life. Okay.

9 MR. MORIN: That's all the questions that I have.

10 THE COURT: Okay.

11 Ms. Racine.

12 MS. RACINE: Thank you, Your Honor.

13 May it please the court?

14 THE COURT: Yes, ma'am.

15 CROSS EXAMINATION BY MS. RACINE:

16 Q. Ms. Bonner, I believe you testified earlier that when
17 Rajshun stopped by your apartment looking for "Slick" a few
18 days earlier, that it didn't seem like it was a friendly
19 visit. Almost a threatening-type visit, is that right?

20 A. Yes.

21 Q. Okay. That he had something for him to do?

22 A. Yes.

23 Q. Did he make any type of threats that day?

24 A. No.

25 Q. Do you feel like if it was something that could be

1 threatening to "Slick", he would need to know about it?

2 A. Yes.

3 Q. Okay.

4 Did you track down "Slick" and --

5 A. No.

6 Q. -- tell him Rajshun was looking for him?

7 A. No.

8 Q. No. Okay.

9 You said that you never got the chance to even talk to
10 "Slick" to tell him Rajshun was looking for him, is that
11 correct?

12 A. Yes.

13 Q. I believe you also said that as you were leaving that
14 day, the same day he got shot, you pulled over and talked to
15 him and had a cigarette with him, is that right?

16 A. Yeah.

17 Q. So if you thought Rajshun was mad at him and maybe
18 looking to do him harm, you had a chance to tell him right
19 then?

20 A. I thought they would talk later on. I didn't know
21 there -- there wasn't nothing going out like that.

22 Q. Okay. All right.

23 But still you could have mentioned it to "Slick"?

24 A. Yeah.

25 Q. But you didn't do it?

1 A. No.

2 Q. Okay.

3 When Rajshun came by your apartment that day, did he
4 have any kind of weapon on him?

5 A. I didn't see a weapon.

6 Q. Okay.

7 Did he make any kind of threat at all against "Slick"?

8 A. No, he just said he had something for him.

9 Q. Something for him. Okay.

10 But you don't know what that something was?

11 A. No.

12 Q. It could have been a movie that "Slick" had been
13 wanting to watch? He could have said "I have got your DVD
14 you are looking for," is that right?

15 A. No.

16 Q. Okay. It could have been, though, correct?

17 A. Could have been, but --

18 Q. You don't know what it was?

19 A. No.

20 Q. It was just one friend looking for another friend, is
21 that right?

22 A. Yeah.

23 Q. Okay.

24 MS. RACINE: No further questions.

25 THE COURT: Anything from the State?

1 MS. LESKANIC: Yes, Your Honor.

2 REDIRECT EXAMINATION BY MS. LESKANIC:

3 Q. Okay. Ms. Bonner, who came to your apartment a few
4 days before "Slick" was killed looking for him?

5 A. Rajshun Foster and Franklin Dover.

6 Q. How certain are you that it was those two men that were
7 inside your apartment before "Slick" was killed, a few days
8 before he was killed?

9 A. Because I have seen them before. I knew who they was.

10 Q. Had you seen Frank Dover before that day?

11 A. Yeah. Yeah, I done seen him before.

12 Q. Okay. Where had you seen him before?

13 A. In the streets. I knew he was from around my family.

14 Q. Okay. So you had seen him before, but did you hang out
15 with him?

16 A. Oh, no.

17 Q. Okay.

18 When he came into your apartment, did you know who he
19 was?

20 A. Yes.

21 Q. All right. And is he seated at the defense table right
22 now?

23 A. Yes.

24 Q. And how certain are you that it was Frank Dover and
25 Rajshun Foster that came in looking for "Slick" a couple

1 days before he was murdered?

2 A. It was -- I'm sure it was them.

3 Q. Okay. A hundred percent sure, fifty percent sure? How
4 sure are you it was those two men?

5 A. A hundred percent.

6 Q. Okay.

7 Now, when they came into the apartment, were they
8 wanting to share a DVD with "Slick"?

9 A. No.

10 Q. What was the demeanor? How did it appear to you what
11 these two men wanted with "Slick"?

12 A. It wasn't no friendly visit. They said they had
13 something for him -- they had something for him to do.

14 Q. Okay. So it wasn't -- was it one friend looking for
15 another friend to go hang out?

16 A. No.

17 Q. Okay. They had something for him?

18 A. Yeah.

19 Q. And did they tell you to tell him anything?

20 A. No.

21 Q. But they came to your apartment. Both of them came
22 inside your apartment and they were looking for "Slick" and
23 had something for him?

24 A. Yes.

25 Q. And Ms. Racine asked and you agreed, you took it as a

1 threatening visit?

2 A. Yes.

3 Q. Now, when you saw "Slick" the day that he was murdered,
4 how did he appear to you, when you saw him in the parking
5 lot or drive-through area of Connecticut Village?

6 A. Like something was bothering him. He had something on
7 his mind.

8 Q. Okay. And what does that look like?

9 How did "Slick" normally act?

10 A. Laughing all day.

11 Q. And was he laughing and talking that day?

12 A. No.

13 Q. How did he appear to you?

14 A. You could feel something was bothering him.

15 Q. And that was just a short period of time before he was
16 murdered, is that correct?

17 A. Yes.

18 Q. And you didn't tell him that Rajshun and Frank had been
19 to your apartment, is that correct?

20 A. Yes.

21 Q. Why not?

22 A. I thought maybe they done seen him like. I was just
23 talking to "Slick".

24 Q. Okay.

25 So you and "Slick" were kind of on the outs at that

1 point?

2 A. Yes.

3 Q. But staying with you at night?

4 A. No.

5 Q. Okay.

6 So how much time did you spend with "Slick" at
7 Connecticut Village before you went up to your aunt's and
8 then drove to your mom's house?

9 A. About two minutes. Not long.

10 Q. Okay. Not long.

11 Did you think about telling him that Rajshun and Frank
12 had been by?

13 A. No.

14 Q. And it had been a few days?

15 A. Yes.

16 Q. Why did you stop staying in Connecticut Village after
17 "Slick" was murdered?

18 A. He had got shot. I was scared to stay there with my
19 kids.

20 Q. Where was he shot?

21 A. In my back door.

22 Q. Your back door and you have two minor children?

23 A. Uh-huh.

24 Q. So you started staying with your mom?

25 A. Yes.

1 Q. All right. Now, Rajshun --

2 You did put in your first statement --

3 Now, Mr. Morin asked you, you gave a statement to
4 police months after. Did you actually give a statement to
5 police on June 22nd, 2014, the day that "Slick" was
6 murdered?

7 A. Yes.

8 Q. And so it wasn't months later, but you did tell police
9 that it was Rajshun and three other guys?

10 A. Yes.

11 Q. Were there four people that came to your apartment?

12 A. Yes, but Rajshun and Frank are the only two that came
13 in. The other boys was outside.

14 Q. Do you know who the other two boys were?

15 A. No.

16 Q. So four people came, two came inside?

17 A. Uh-huh.

18 Q. And in your statement to police you didn't mention
19 Frank Dover?

20 A. No.

21 Q. Why not?

22 A. Because I heard that he had something to do with
23 "Slick" got killed.

24 Q. Why not tell the police?

25 A. I was afraid.

1 Q. Why?

2 A. Because they could come to my apartment again.

3 Q. Had they been arrested at that point?

4 A. No.

5 Q. On the day that you gave the statement to police, did
6 you know that it was Frank Dover that had come into your
7 apartment with Rajshun Foster?

8 A. Yeah.

9 Q. And why didn't you give his name?

10 A. Because there wasn't no arrest made.

11 Q. Now, you lived in Connecticut Village for how long?

12 A. Six years.

13 Q. Did you ever --

14 Is there a wooded path behind your house?

15 A. It's a path, yeah.

16 Q. Can you show the ladies and gentlemen of the jury, and
17 you may need to step down, where the back door of your
18 apartment is and where that wooded path leads?

19 A. Up in here.

20 Q. So there is a path -- the map says East Junior High
21 Road. There is a path off of East Junior High Road?

22 A. Uh-huh.

23 Q. And where does that path lead?

24 A. To my back door.

25 Q. Did you ever walk that path?

1 A. I have sometimes.

2 Q. And you were not home that day?

3 A. No.

4 Q. And with you not being home, where would "Slick" have
5 gone to get inside your apartment?

6 A. Through those window, or sometimes the door would be
7 open, unlocked.

8 Q. So the front door or back door?

9 A. The back door.

10 Q. Okay. But the back side of the apartment, if you are
11 not home, that's where he would go?

12 A. Yes.

13 Q. And you saw Rajshun Foster and he saw you --

14 A. Yes.

15 Q. -- leaving?

16 A. Yes.

17 Q. So they knew that you were not home?

18 A. Yes.

19 Q. Can you -- if you know, do you know how far down East
20 Junior High Road Rajshun drove before he pulled over, or how
21 were you watching them?

22 A. I seen them in my mirror. I wasn't past the school and
23 I didn't see them no more.

24 Q. So it was before you got to East Junior High -- I mean
25 to Ewing Middle School?

1 A. Yeah.

2 Q. Okay. You were watching in your rearview mirror?

3 A. Uh-huh.

4 Q. And saw the vehicle do what?

5 A. Turn around and pulled over.

6 Q. Okay. Turn around and pull over, or --

7 A. They pulled over actually when they stopped.

8 Q. Okay. So pulled over on the right side of the road?

9 A. Yes.

10 Q. And stopped.

11 And then you didn't see the vehicle come back up behind
12 you?

13 A. No.

14 Q. And it was ten minutes after that that you got a phone
15 call that "Slick" had been murdered?

16 A. Yes.

17 Q. Thank you.

18 RECROSS EXAMINATION BY MR. MORIN:

19 Q. Ma'am, do you know my name?

20 A. No.

21 Q. Have you seen me before?

22 A. No.

23 Q. You haven't seen me. This is first time that you have
24 ever seen me?

25 A. (No response).

1 Q. All right. Well, let me ask you this.

2 You don't know my name because I haven't told you,
3 correct?

4 A. Correct.

5 Q. And nobody else has told you what my name is, correct?

6 A. Yes.

7 Q. How did you know Frank's name?

8 A. I done seen him before.

9 Q. Yeah, I understand that you have seen him, but unless
10 somebody tells you what the name is or they say "my name
11 is," you don't know their name. How do you know his name?

12 A. I done heard his name before.

13 Q. From who?

14 A. People.

15 Q. What people?

16 A. People in the street.

17 Q. People in Connecticut Village?

18 A. Yeah.

19 Q. When you saw "Slick" that day, did you just say that
20 the two of you were on the outs, that y'all weren't seeing
21 each other?

22 A. Yes.

23 Q. But he still had access to your house?

24 A. Yes.

25 MR. MORIN: That's all the questions that I have.

1 THE COURT: Ms. Racine, anything?

2 MS. RACINE: No, sir.

3 THE COURT: Ma'am, you may step down. Please be
4 very careful.

5 MS. LESKANIC: The State calls Bernice Dowdle.

6 THE CLERK: Please raise your right hand, place
7 your left hand on the Bible.

8 BERNICE DOWDLE, having been first duly sworn,
9 testified as follows:

10 THE WITNESS: I do.

11 THE CLERK: Watch your step.

12 THE WITNESS: Yes, ma'am.

13 THE COURT: Ma'am, tell us your full name and
14 spell your last name, please.

15 THE WITNESS: My name is Bernice Dowdle,
16 D-O-W-D-L-E.

17 THE COURT: Thank you.

18 Solicitor.

19 MS. LESKANIC: Thank you, Your Honor.

20 DIRECT EXAMINATION BY MS. LESKANIC:

21 Q. Good morning, Ms. Dowdle.

22 A. Good morning.

23 Q. I want to take you back to June 22nd, 2014. Were you
24 living in Connecticut Village at that time?

25 A. Yes, ma'am.

1 Q. Okay. And looking at what is State's Exhibit 2, would
2 you be able to show the ladies and gentlemen of the jury
3 where your apartment was?

4 A. Yes, ma'am.

5 Q. You may step down.

6 (Witness off the witness stand).

7 A. Right there.

8 BY MS. LESKANIC:

9 Q. Okay.

10 (Witness back on the witness stand)

11 BY MS. LESKANIC:

12 Q. And what apartment number did you live in?

13 A. 2.

14 Q. How long did you live in Connecticut Village?

15 A. Twenty years.

16 Q. Do you still live there?

17 A. No, ma'am.

18 Q. Did you know Timothy Blair, also known as "Slick"?

19 A. Yes, ma'am.

20 Q. How did you know Mr. Blair?

21 A. I met him by coming by in the mornings and asking me
22 for a cigarette.

23 Q. Okay. So tell the jury about that. What was your
24 interaction and how would you have known about "Slick"?

25 A. I didn't know him that long because I -- I didn't know

1 him but about two months.

2 Q. Okay. And during those two months what kind of
3 interactions did you have with him? What was he like?

4 A. He was a nice young man.

5 Q. And, I mean, would he come inside your home? Did you
6 see him outside?

7 A. No, ma'am, I always sat -- I always sit in my
8 breezeway. I'm an outside person. I don't sit in my house.

9 Q. Okay. And you would see him?

10 A. Come through.

11 Q. Did y'all stop and talk, or was it just --

12 A. Sometimes he did and sometimes he just said good
13 morning and gone about his business.

14 Q. Okay. A few days --

15 Were you in Connecticut Village the day that "Slick"
16 was murdered?

17 A. Yes, ma'am.

18 Q. Before that day did anyone approach you about "Slick"?

19 A. Yes, ma'am, Mr. Foster.

20 Q. Is that Rajshun Foster?

21 A. Yes, ma'am.

22 Q. Do you see him in the courtroom today?

23 A. Yes, ma'am.

24 Q. What is he wearing?

25 A. A yellow shirt.

1 MS. LESKANIC: Your Honor, if the record would
2 reflect she's identified Rajshun Foster?

3 THE COURT: So noted.

4 MS. LESKANIC: Thank you.

5 BY MS. LESKANIC:

6 Q. He came by your house a few days before the murder?

7 A. I was sitting outside and he came through and he asked
8 me have I seen "Slick" that morning and I told him no, I
9 hadn't seen him. So he told me if I see him, tell him he
10 was looking for him. And so I spoke up and said "I thought
11 y'all was cool." He said "I did too," so I didn't see him
12 no more.

13 Q. What was the tone in Mr. Foster's voice when he said
14 "tell him I'm looking for him?"

15 A. Well, it was normal. He wasn't like angry. You know,
16 he just -- you know, it was early in the morning. He just
17 asked me about seeing him.

18 Q. Okay. Was that unusual and not see the two of them
19 together?

20 A. They was -- usually they always be together, because --
21 the majority of the time they was together, because I sit
22 out there all the time. You know, that's why I thought they
23 was cool, because you usually see them -- you know, see them
24 together.

25 Q. Okay. And his response to "I thought y'all were cool"

1 was what?

2 A. I said that and he said "I thought I did -- "I thought
3 we were too."

4 Q. All right. Now, the day -- that was a few days before?

5 A. Yes, ma'am.

6 Q. All right.

7 Did you have an opportunity to tell "Slick" that
8 Rajshun was looking for him?

9 A. Yes, ma'am.

10 Q. When did that happen?

11 A. The day -- the same day he got killed.

12 Q. Okay. Could you please tell the ladies and gentlemen
13 of the jury about that?

14 A. Well, he came through and I told him that Mr. Foster
15 had been looking for him and he said yeah. So my response
16 was he is looking -- he looked -- I said they -- "he is
17 looking for you dead or alive." So he asked me did Mr.
18 Foster say that and I told him "no, I'm the one that said
19 it."

20 Q. Okay. All right.

21 So you told him that Rajshun had been by looking for
22 him?

23 A. Yes, ma'am.

24 Q. And then did you have any other interaction with
25 "Slick"?

1 A. No, ma'am.

2 Q. And how soon after "Slick" walked away from your
3 apartment did you --

4 Did you hear a gunshot?

5 A. I heard a big bam, like a boom. It seemed like it
6 shook the whole complex. I usually run in the house, but I
7 ran to the scene of the crime.

8 Q. And what did you see?

9 A. He was laying behind Ms. Bonner's back door. He was
10 dead.

11 Q. "Slick" was?

12 A. Yes, ma'am.

13 Q. Did you see anybody running away from the scene?

14 A. No, ma'am.

15 Q. Did you see Mr. Foster after the shooting had happened?

16 A. Yes, ma'am. He was parked by the trash can in a box
17 car, him and Mr. Bonner.

18 Q. Do you know Mr. Bonner's first name?

19 A. No, ma'am. I just know him by "Red".

20 Q. "Red."

21 Okay. So you saw --

22 I'm going to show you State's Exhibit 6.

23 Looking at this --

24 A. He was parked right there.

25 Q. So you would be able to show on this where you saw Mr.

1 Foster and Mr. Bonner?

2 A. He was parked right there.

3 Q. Okay.

4 MS. LESKANIC: Your Honor, at this time I would
5 offer State's Exhibit 6 for admission.

6 MR. MORIN: No objection.

7 MS. RACINE: No objection.

8 THE COURT: Without objection, it's admitted.

9 (Whereupon, State's Exhibit No. 6 was entered into
10 the record as evidence)

11 BY MS. LESKANIC:

12 Q. Okay. Ms. Dowdle, I'm showing you State's Exhibit 6.
13 Can you step down and kind of acclimate the jury --

14 (Witness off the witness stand)

15 BY MS. LESKANIC:

16 Q. -- to where you saw Mr. Foster and Mr. Bonner and also
17 where you ran to see "Slick"?

18 A. They was parked -- this is the trash can right here.

19 Q. Let me give you this. I'm sorry.

20 A. Okay. They was parked like right there. You know,
21 backed in right in here.

22 Q. Okay. And where did you run to "Slick's" body?

23 A. Right around here.

24 Q. Okay. So that's Apartment 3 on the end and his body
25 was around the back of that apartment?

1 A. Yes, ma'am.

2 Q. And it was after the shooting that you saw Mr. Foster
3 and a guy you know as "Red" parked --

4 (Witness back on the witness stand).

5 BY MS. LESKANIC:

6 Q. -- right here?

7 A. Yeah, I don't know what kind of car it was, but I call
8 them little box cars.

9 Q. Do you remember what color?

10 A. No, ma'am.

11 Q. Okay. Was there anyone else in the car with Mr. Foster
12 and Mr. Bonner, also known as "Red"?

13 A. No. No, ma'am.

14 Q. Did you see what -- did you talk to them or say
15 anything to them?

16 A. No, ma'am.

17 Q. What did you do?

18 A. I ran to my cousin's house so she could get in touch
19 with Ms. Rebi, so she could get in touch with his parents,
20 because he wasn't from Gaffney.

21 Q. So your first thought was to get in touch with
22 "Slick's" family?

23 A. Yes, ma'am.

24 Q. Did you see when Rajshun and "Red" left the village or
25 where they went?

1 A. No, ma'am, because I went straight in the house and my
2 boyfriend told me not to go back out there because I had got
3 very upset seeing him laying there and wasn't nobody helping
4 him, so I just started crying, and he told me not to go back
5 outside because I was angry.

6 Q. What apartment did you live in? You may have told me.

7 A. Apartment 2.

8 Q. 2. Thank you.

9 How soon after "Slick" walked away from your apartment
10 did you hear the gunshot?

11 A. Seemed like, you know, he -- I think he might have
12 stopped and talked to one of the other -- other clients that
13 back there to testify, but after that I didn't see him no
14 more. I didn't see him no more until I ran behind the
15 building and saw him laying down there. He just opened his
16 eyes and he looked up and the blood started coming out his
17 mouth, and so I got -- I just started running, because I
18 have never seen that before, you know, in my life.

19 Q. Yes, ma'am.

20 A. So I just -- I just started running from it -- from the
21 scene, you know, when I come to my cousin's house so she
22 could get in touch with his parents. And after that I don't
23 know what happened.

24 Q. All right. And at this time are there a lot of people
25 running to the back of Apartment 1?

1 A. I don't really know. I just saw some of them, because
2 when we was -- when we was out in the back people was
3 coming, but I just started running after I saw him. I just
4 started running, because I ain't never, you know,
5 experienced nothing like that before in my life.

6 Q. Do you have any idea -- Ms. Dowdle, do you have any
7 idea how long it was from when "Slick" walked away from your
8 apartment? You said maybe he went to talk to somebody else,
9 how long it was before the gunshot went off?

10 A. It wasn't long. I wasn't long. It wasn't really that
11 long, because -- because after I got -- I said what I said
12 and he turned around and said, then they say that he said
13 that for real, I said "no, he didn't." I said "Mr. Foster
14 did not say that." I said "I said that," because there was
15 a saying back in the days when momma used to look for me and
16 my cousin said that she be wanting me dead or alive, I knew
17 I was going to get in trouble.

18 Q. Yes, ma'am.

19 A. But after that I don't know what happened.

20 Q. But "Slick" asked you "did Rajshun really say that he
21 was looking for me dead or alive?"

22 A. Yes, ma'am, but I told him that he did not say that, I
23 said it.

24 Q. One moment, Ms. Dowdle.

25 (Off the record).

1 (Back on the record)

2 BY MS. LESKANIC:

3 Q. That's all the questions that I have for you. Please
4 answer any questions from the defense, Ms. Dowdle.

5 A. Thank you.

6 Q. Thank you.

7 CROSS EXAMINATION BY MR. MORIN:

8 Q. Ms. Dowdle, you testified that you have been out
9 there -- you have lived out there for twenty years, is that
10 right?

11 A. Yes, sir.

12 Q. A long time.

13 You knew a lot of people that lived out there, didn't
14 you?

15 A. Not that many. I didn't fool with a lot of folks.

16 Q. Okay.

17 Well, this happened in June, a little over five years
18 ago, right?

19 A. Yes, sir.

20 Q. It was hot then like it is now? Hot outside, right?

21 A. It feels real good to me.

22 Q. It feels good to you. All right.

23 Well, you testified that you sat outside --

24 A. Yes, sir.

25 Q. -- because it can be cooler outside, right?

1 A. Yeah, I like it outside.

2 Q. Sure.

3 Now, you said that you had known Timothy Blair for a
4 couple of months, right?

5 A. Yes, sir.

6 Q. All right.

7 And back then did you work anywhere?

8 A. No, sir, I'm disabled.

9 Q. Okay. How long have you been disabled?

10 A. Oh, man. I'm sixty-five years old. It's been like
11 ever since -- well, I have been disabled. I just recently
12 started getting my check.

13 Q. I see. And what was your disability?

14 A. SSI.

15 Q. Yeah, but, I mean --

16 A. Rheumatoid arthritis.

17 Q. Oh, okay. It can be bad, can't it?

18 A. Sometimes.

19 Q. Okay.

20 Now -- and I may have misunderstood you and please
21 correct me if I'm wrong. You referred to some of the other
22 people that are here today as clients. Did you mean Ms.
23 Leskanic's clients?

24 A. I was talking about my friends back there in the lobby.

25 Q. Okay. And who are your friends that are out there in

1 the lobby? What are their names?

2 A. I don't know all their names.

3 Q. Okay.

4 A. I just know Rebi.

5 Q. Rebi.

6 A. And --

7 Q. She's your cousin, correct?

8 A. Huh?

9 Q. Is that your cousin you said?

10 A. No, she -- Rebi?

11 Q. Uh-huh.

12 A. I guess. Well, she is some kin to me.

13 Q. Okay. Who else?

14 A. I don't know the rest of the girls name. I know their
15 faces.

16 Q. All right. And they all lived down there in
17 Connecticut Village when this happened?

18 A. Yes, sir.

19 Q. In the twenty years you have been down there -- in the
20 twenty years that you lived there, did they have a lot of
21 people get killed down there?

22 A. No, sir.

23 Q. So when this happened, this was pretty big news, right?

24 A. Yes, sir.

25 Q. I imagine the whole apartment complex was talking about

1 it, correct?

2 A. Yes, sir.

3 Q. All right.

4 And I realize that this is emotional and I'm not going
5 to try to belabor it, but you say that you saw Rajshun in a
6 box car there by the trash can before the shooting, correct?

7 A. I saw him after the shooting.

8 Q. After the shooting?

9 A. Yes, sir, I was running from the crime scene and he
10 was -- they was parked out there by the trash can.

11 Q. All right. And --

12 A. Him and Mr. Bonner.

13 Q. Okay. Was he there before the shooting?

14 A. I do not know.

15 Q. Okay.

16 Do you know if Mr. Blair worked anywhere?

17 A. Not as I know. We didn't -- we wasn't that tight. We
18 wasn't that, you know, close.

19 Q. Right.

20 A. He was just the new kid on the block.

21 Q. I see.

22 A. But I didn't know if he had worked or not.

23 Q. When he went down after he left you, because you can't
24 see it on this picture, but it kind of goes down. **2** kind
25 of sits down a little bit, doesn't it?

1 A. Yes, sir.

2 Q. There's a hill there?

3 A. Yes, sir.

4 Q. And if you are sitting there, you may not have been
5 able to see where he went because of the trash can and the
6 hill, correct?

7 A. I didn't see him. When he left my house, he just
8 walked towards the other building.

9 Q. This building that we see in this picture?

10 A. Yes, sir.

11 Q. Okay. Do you know how many people were down there
12 or --

13 A. No. No, sir.

14 Q. All right.

15 And when was the last time that you -- is that the last
16 time that you saw him, or did you see him go somewhere else?

17 A. No, sir, that was the last time I saw him.

18 Q. Okay. How about Terrica Bonner, do you know her?

19 A. Who?

20 Q. Terrica Bonner.

21 A. That's the girl he was seeing. She stayed in the
22 other -- she stayed in the other end where he -- I think
23 that's where he got killed at behind her house.

24 Q. But you just kind of knew her, right? I mean --

25 A. We wasn't -- I don't -- you know, them young kids, I

1 don't do much fool with them because I'm sixty-five years
2 old.

3 Q. Right.

4 A. And I don't do much fooling with them young kids
5 because I can't hang out with them and I can't do the things
6 they do, so I just stay with my distance from them.

7 Q. Yes.

8 A. They come by, they speak to me, I speak to them. Other
9 than that, that's all I know.

10 Q. Fair enough. Thank you, ma'am.

11 A. You are very welcome.

12 THE COURT: Yes, ma'am.

13 MS. RACINE: Thank you, Your Honor.

14 May it please the court?

15 CROSS EXAMINATION BY MS. RACINE:

16 Q. Hey, Ms. Dowdle. I just got a couple of follow-up
17 questions for you, okay?

18 A. Yes, ma'am.

19 Q. When Ms. Leskanic was questioning you, you said that --
20 or she asked you what kind of tone Rajshun had when he was
21 asking about "Slick". I believe you said his tone was
22 normal and not angry, is that right?

23 A. He didn't seem like it to me. You all would have to
24 ask him, because it didn't seem like it to me. He just
25 asked me have I seen him and this and that, and other than

1 that he left.

2 Q. Okay. You know what somebody sounds like when they are
3 angry, don't you?

4 A. I don't know if he was angry or not.

5 Q. Okay. And did he tell you that he was mad at "Slick"?

6 A. No, I asked him this question. I said "I thought y'all
7 was cool," and he said "I thought we were too." That's the
8 only conversation we had after that and he left.

9 Q. Okay. But he didn't -- he didn't tell you he wanted to
10 hurt "Slick"?

11 A. No, ma'am.

12 Q. Or he was mad at "Slick"?

13 A. No, ma'am.

14 Q. Okay. So it was one friend looking for another friend?

15 A. Just if I had seen him then because he just asked me
16 about him and I just told the truth.

17 Q. Okay.

18 MS. RACINE: No further questions. Thank you.

19 A. You are welcome.

20 THE COURT: Anything?

21 MS. LESKANIC: Very, very briefly.

22 REDIRECT EXAMINATION BY MS. LESKANIC:

23 Q. Ms. Dowdle, I know that a lot of people were talking in
24 Connecticut Village after this happened. Did anybody tell
25 you what to say, or you coming in and telling the ladies and

1 gentlemen of the jury what you saw that day?

2 A. No. No, ma'am. Ain't nobody told me what to say.
3 What I'm saying now is the truth.

4 Q. Okay. Thank you very much.

5 THE COURT: Anything on that one question?

6 MR. MORIN: No, sir.

7 MS. RACINE: No, sir.

8 THE COURT: Ma'am, you may step down. Please be
9 careful.

10 THE WITNESS: Thank you, sir.

11 Y'all have a nice blessed day.

12 THE COURT: Thank you.

13 THE WITNESS: Thank you, sir. Lord Jesus.

14 MS. LESKANIC: The State calls Jasmine Hudson.

15 THE CLERK: Please raise your right hand and place
16 your left hand on the Bible.

17 JASMINE HUDSON, having been first duly sworn,
18 testified as follows:

19 THE WITNESS: Yes.

20 THE CLERK: Okay. Watch your step.

21 THE COURT: Ms. Hudson, tell us your name and
22 spell your last name for the court reporter, please.

23 THE WITNESS: Jasmine Hudson, H-U-D-S-O-N.

24 THE COURT: Thank you.

25 Solicitor.

1 MS. LESKANIC: Thank you.

2 DIRECT EXAMINATION BY MS. LESKANIC:

3 Q. Good morning, Ms. Hudson.

4 I want to take you back to June 22nd, 2014. Who were
5 you are dating at the time?

6 A. Rajshun Foster.

7 Q. Do you see him in the courtroom today?

8 A. Uh-huh.

9 Q. And what is he wearing?

10 A. Yellow.

11 Q. Okay.

12 MS. LESKANIC: Your Honor, I would like the record
13 to reflect that she's identified the defendant Rajshun
14 Foster?

15 THE COURT: So noted.

16 MS. LESKANIC: Thank you, Your Honor.

17 BY MS. LESKANIC:

18 Q. How long have you and Rajshun been close, spending time
19 together?

20 A. It was almost a year.

21 Q. Okay.

22 And could you please tell the ladies and gentlemen of
23 the jury what y'all were doing on June 22nd, 2014?

24 A. Um --

25 Q. How did y'all get together that today?

1 A. Well, he had spent the night at my house and I was
2 taking him home.

3 Q. Okay. Where were you taking him home?

4 A. I don't know what it's called. I forgot what it's
5 called. Maybe Grassy Pond area. I don't know.

6 Q. Okay. Did you take him home?

7 A. Yes.

8 Q. Okay. Did you have a car?

9 A. Uh-huh.

10 Q. What kind of car did you have?

11 A. A Kia Soul, gray.

12 Q. A gray Kia Soul?

13 A. Uh-huh.

14 Q. Is that what you were driving?

15 A. Yes.

16 Q. Did you take Rajshun back to his house in Grassy Pond?

17 A. Yes.

18 Q. What happened when you got there?

19 A. He went in the house for a couple of minutes and then
20 he came back out.

21 Q. And what was the plan then?

22 A. I was going to my best friend's house.

23 Q. Who was that?

24 A. Cordelia Smith.

25 Q. Where did Cordelia Smith live in 2014?

1 A. In Connecticut Village.

2 Q. Was the original plan that Rajshun was going to go with
3 you there, or how did he decide to come with you?

4 A. I don't remember. I don't remember.

5 Q. But after going to his house you were going to go
6 where?

7 A. To my best friend's house.

8 Q. Okay. And what happened along the way? Tell the jury
9 what happened.

10 A. We stopped at a store and he went in the store and he
11 saw one of his friends and then we -- we got back in the
12 car. We went by his friend's house before we went to
13 Connecticut Village.

14 Q. Okay. So do you know the name of the store where you
15 stopped or what's the area?

16 A. The Redwood Store.

17 Q. Stopped at Redwood Store. Rajshun went in?

18 A. Yes.

19 Q. Okay. And when he came back out what happened?

20 A. He seen one of his friends.

21 Q. What's his friend's name? Do you recall the friend's
22 name?

23 A. Frank.

24 Q. Okay. Do you see Frank in the courtroom today?

25 A. Yes.

1 Q. Could you please identify him for the jury and to the
2 court?

3 A. He has on a plaid shirt.

4 MS. LESKANIC: Your Honor, I would like the record
5 to reflect that she's identified Franklin Dover?

6 THE COURT: So noted.

7 MS. LESKANIC: Thank you.

8 BY MS. LESKANIC:

9 Q. So you and Rajshun meet up with Frank at the Redwood
10 Store?

11 A. He just seen him there.

12 Q. Okay. And then what happened at the Redwood Store?

13 A. He got back in the car and he said that we was supposed
14 to stop by his house before we went to Connecticut Village.

15 Q. Okay. So do you remember who was driving?

16 A. I think I was driving at the time -- no, he was
17 driving. I was on the passenger's side.

18 Q. Okay. And where did y'all go?

19 A. We went down the street where the trailers was from
20 Redwood Store.

21 Q. Do you know the name of the trailer park?

22 A. No, I don't know the name. I just know it was a
23 trailer park.

24 Q. How close is it to the Redwood Store?

25 A. Right down the street.

1 Q. Within walking distance of the Redwood Store?

2 A. Uh-huh.

3 Q. Okay. Where did y'all pull in and where did you go?

4 A. I think it was the first street on the right.

5 Q. Okay. And was this Frank's house, or what you thought
6 was Frank's house?

7 A. I -- I don't know. I guess that was his house he
8 stayed in.

9 Q. And how did y'all pull in when you got to his house?

10 A. We pulled in on the right side.

11 Q. And where was Frank's car?

12 A. He was driving a car. I don't know if that was his
13 car, but it was on the left.

14 Q. Okay. Were y'all side by side, or front and back? How
15 were the cars positioned?

16 A. Side by side.

17 Q. Okay. I'm going to show you what's been marked State's
18 Exhibit 3. Tell me if you can identify this.

19 A. It was on the other end.

20 Q. Do you recognize this?

21 A. I mean, I don't remember what that -- that was my first
22 time ever going there. I don't know. I don't remember
23 exactly what it looked like, but it was like it was at the
24 end, the end of the street on the right.

25 Q. Okay. But you don't know if this is the mobile home

1 that you went to?

2 A. Uh-uh.

3 Q. Okay. But when you pulled in and Frank pulled in, how
4 were the cars positioned?

5 A. Like facing the trailer. We was on the right and he
6 was on the left.

7 Q. Okay. Side by side?

8 A. Uh-huh.

9 Q. All right. What happens after y'all arrived at the
10 trailer?

11 A. They went inside for a couple minutes and then they
12 came back outside.

13 Q. Okay. And then what happened?

14 A. We was going to Connecticut Village.

15 Q. Okay. Did you see anything while you were at the house
16 that you and Rajshun and Frank went to?

17 A. Not the house. I didn't go into the house.

18 Q. Did you see anything outside?

19 A. Yeah, it was a gun in the car.

20 Q. Please tell the jury about that, where you saw the gun
21 and in what car.

22 A. It was on the passenger's side.

23 Q. Of what car?

24 A. Of the car he was driving.

25 Q. Who is he?

1 A. I guess Frank.

2 Q. Okay. So the car that you saw Frank in at the Redwood
3 Store, he drove that to the trailer?

4 A. Yes.

5 Q. And at what point did you see a gun?

6 A. Like before we was leaving, but it wasn't like we all
7 left together. It was just me and Rajshun had left.

8 Q. Okay. But when did you see the gun?

9 A. Before we left.

10 Q. How did you see it?

11 A. He opened his passenger door.

12 Q. Frank?

13 A. Uh-huh.

14 Q. Frank opened the passenger's side, his car door, and
15 you saw what?

16 A. A gun.

17 Q. Was it a handgun or a big gun?

18 A. It was bigger than a handgun.

19 Q. It was bigger than --

20 A. Than a handgun.

21 Q. Do you remember what color it was or what it looked
22 like?

23 A. No.

24 Q. You don't remember the color?

25 A. Uh-uh.

1 Q. Do you remember giving a statement in this case?

2 A. Yes, but that was a long time ago.

3 Q. Okay. Would looking at that statement refresh your
4 memory?

5 MS. LESKANIC: May I approach, Your Honor?

6 THE COURT: Yes, ma'am.

7 BY MS. LESKANIC:

8 Q. Okay. I'm going to show you a copy of the statement.
9 Just take a look at that and see if that's the statement
10 that you gave to police.

11 A. (Witness examining document).

12 Yes.

13 Q. Okay. And reading over I believe page two, if you
14 would just read that and see if that refreshes your memory
15 and then I'll ask you some questions.

16 A. (Witness reviewing document).

17 Okay.

18 Q. Does that refresh your memory?

19 A. Yes.

20 Q. Okay. And can you please tell the ladies and gentlemen
21 of the jury now what you saw?

22 A. A beige colored gun.

23 Q. Did you describe it as big?

24 A. Yeah, it's big.

25 (Witness reviewing document).

1 Yes.

2 Q. And where were you when you saw the gun?

3 A. In the car.

4 Q. You were in your car?

5 A. Yes.

6 Q. And who drove from there to Cordelia's apartment in
7 Connecticut Village?

8 A. Rajshun.

9 Q. I'm going to show you State's Exhibit 4 and 5. Please
10 take a look at those and tell me if you recognize them.

11 A. Yes, that's where my best friend lives.

12 Q. Okay. So looking at State's Exhibit 4 and 5, you would
13 be able to identify where y'all went to Cordelia's
14 apartment?

15 A. Yes.

16 MS. LESKANIC: Your Honor, at this time I offer 4
17 and 5 for admission.

18 MS. RACINE: No objection.

19 MR. MORIN: No objection.

20 THE COURT: Without objection, 4 and 5 are
21 admitted.

22 (Whereupon, State's Exhibit No. 4 was entered into
23 the record as evidence).

24 (Whereupon, State's Exhibit No. 5 was entered into
25 the record as evidence)

1 BY MS. LESKANIC:

2 Q. Ms. Hudson, I'm going to start with State's Exhibit 4.

3 Looking at that exhibit, can you tell me where you and
4 Rajshun went on June 22nd, 2014 to Cordelia's apartment?

5 A. Right there.

6 Q. Is it the first door on the left?

7 A. Yes.

8 Q. I see there are two doors side by side.

9 A. The first one.

10 Q. And where did y'all park, the general area?

11 A. Like right here somewhere.

12 Q. Okay.

13 State's Exhibit 5, which is a different angle, would it
14 have been this apartment here?

15 A. Yes, right there.

16 Q. Okay. So just a little different view giving the
17 entire apartment. She was in the apartment on the far left?

18 A. Right.

19 Q. Okay. And what happened when you and Rajshun arrived
20 at Cordelia's apartment?

21 A. I went inside and then he went outside for a little
22 while.

23 Q. Okay. And what would -- he being Rajshun?

24 A. Yes.

25 Q. What was he going outside for?

1 A. To listen to music in the car. Just stay out there.

2 Q. Okay. Did you give him the keys so he could do that?

3 A. Yes.

4 Q. Okay. Did you stay inside?

5 A. Yes.

6 Q. All right. At any point did you see anyone outside
7 with Rajshun?

8 A. No.

9 Q. You never saw anybody with him?

10 A. Uh-uh.

11 Q. Did you know Timothy Blair?

12 A. I knew of him, but I didn't know him like.

13 Q. Did you see him out there that day?

14 A. Uh-uh.

15 Q. When did you and Rajshun break up?

16 A. I can't remember.

17 Q. You all dated for about a year?

18 A. It's a long time ago.

19 Q. You all dated for about a year?

20 A. Yes.

21 Q. All right. I'm going to show you your statement again
22 and you take your time and read over this to refresh your
23 memory and I'll ask you some questions.

24 A. (Witness examining document).

25 Okay.

1 Q. Does that refresh your memory?

2 A. Yes.

3 Q. Did you see anyone else out there with Rajshun that
4 day?

5 A. No.

6 Q. Did you tell law enforcement that you saw someone else
7 out there with him?

8 A. I -- I don't -- I can't remember. I'm trying to read
9 to see like, because I don't remember saying that.

10 Q. Page two, I believe.

11 A. (Witness examining document).

12 Okay. It -- I mean, I -- that's what I had to see if
13 it's in the statement, but I don't remember.

14 Q. What did you have to see?

15 A. It say "I saw "Slick" and Rajshun and two other guys."

16 Q. Okay. And that's the statement that you gave to law
17 enforcement close in time to when this incident happened and
18 when you were dating --

19 A. It was the same day.

20 Q. Okay. And that's when you were dating Rajshun?

21 A. Yes.

22 Q. So you saw "Slick" and Rajshun outside the apartment?

23 A. And two other people.

24 Q. Okay. Did you see Frank Dover, the man that you had
25 just met as Frank?

1 A. No.

2 Q. Did you see his vehicle out there?

3 A. No. Not yet.

4 Q. What do you mean not yet?

5 A. It was like maybe about like thirty or forty-five
6 minutes after they was outside.

7 Q. I -- just -- did you see Frank's car outside Cordelia's
8 apartment --

9 A. Not when I seen him and "Slick" and two other people,
10 no, I didn't see his car.

11 Q. Okay.

12 Did you see Frank's car outside Cordelia's apartment
13 while you were inside? During the time that you were inside
14 Cordelia's apartment, did you look outside and see Frank's
15 car?

16 A. Yes.

17 Q. The car that you had just seen at the Redwood Store --

18 A. It was black.

19 Q. -- and the car that you saw at the trailer that had the
20 big brown beige gun in it?

21 A. Yes.

22 Q. You saw that car outside Cordelia's apartment?

23 A. Yes.

24 Q. And you saw Rajshun?

25 A. Yes.

1 Q. And you saw "Slick"?

2 A. Yes.

3 Q. Did you hear a gunshot?

4 A. No.

5 Q. Did you find out that there had been a shooting at
6 Connecticut Village?

7 A. Yeah, um --

8 MR. MORIN: Objection, calls for hearsay.

9 THE COURT: Ask the question a little differently.

10 MS. LESKANIC: I just asked if she found out that
11 there had been a shooting at the village.

12 MR. MORIN: I'll withdraw.

13 THE COURT: All right.

14 A. My best friend's boyfriend called and it was like
15 "somebody is shooting. Y'all just need to stay in the
16 house."

17 BY MS. LESKANIC:

18 Q. Okay. Did you stay in the house?

19 A. For a little while, and then like when we started
20 seeing people coming outside and stuff, we had went outside.

21 Q. And what did you see when you went outside?

22 A. Nothing until we walked up the hill.

23 Q. Okay. Did you see your car there? Was your gray Kia
24 Soul still parked where you left it at Cordelia's apartment?

25 A. No.

1 Q. Was Rajshun Foster, your boyfriend, still standing
2 outside Cordelia's apartment?

3 A. No.

4 Q. Did you give Rajshun permission to take your car?

5 A. No.

6 Q. Did you call Rajshun to find out where he went and
7 where your car was?

8 A. Yes.

9 Q. Did he answer his phone?

10 A. It was dead.

11 Q. How do you know it was dead?

12 A. It was going straight to voicemail.

13 Q. Okay. So it may have been off --

14 A. Uh-huh.

15 Q. -- but it went straight to voicemail?

16 A. Yes.

17 Q. Did you finally get in touch with Rajshun?

18 A. Yes.

19 Q. How?

20 A. I think it was during his sister's.

21 Q. So his sister called him?

22 A. I'm not sure who she called, but she got in touch with
23 him.

24 Q. And where was he?

25 A. At his dad's house.

1 Q. Where does his dad live?

2 A. In Iveywood.

3 Q. With your car?

4 A. Yes.

5 Q. Now, do you remember Rajshun's phone number at the
6 time, June 22nd, 2014?

7 A. It was [REDACTED] or [REDACTED]. I can't remember the last four.

8 Q. Okay. I'll show you the statement that you gave to
9 police. Did you provide his cellphone number to police in
10 your statement?

11 A. (Witness reviewing document).

12 Yes.

13 Q. And what was Rajshun Foster's cellphone number on June
14 22nd, 2014?

15 A. [REDACTED] 8252.

16 Q. [REDACTED] 8252?

17 A. Yes.

18 Q. And that's the number that you called?

19 A. Uh-huh.

20 Q. And that's the number he didn't answer?

21 A. Yes.

22 Q. And when you finally did get in touch with him, he had
23 left in your car and he was at Iveywood Apartments?

24 A. Yes.

25 Q. Do you remember what Rajshun was wearing that day?

1 A. A red shirt with a white shirt under it.

2 Q. And do you remember when you saw him after the shooting
3 if anything had changed about his clothing?

4 A. I can't remember if he had his shirt off or just one
5 shirt on.

6 Q. If you will refer to page three of four of your
7 statement to refresh your memory.

8 A. (Witness examining document).

9 He had the white shirt on.

10 Q. But he no longer had on the red shirt?

11 A. Uh-uh.

12 Q. Thank you.

13 Please answer any questions of the defense.

14 THE COURT: Yes, sir.

15 CROSS EXAMINATION BY MR. MORIN:

16 Q. Ma'am, it's my understanding at this time you saw Frank
17 Dover, that was the one time that you seen him?

18 A. Yes.

19 Q. And that was at Redwood?

20 A. Yes.

21 Q. Rajshun told you what his name was?

22 A. Yes.

23 Q. You went to a trailer, but you don't know if that was
24 his trailer, right?

25 A. Correct.

1 Q. You went -- he went in the car that he was driving, but
2 you don't know if that was his car?

3 A. Correct, because I don't know -- I didn't know him.

4 Q. Right.

5 Was that car a two door or a four door, do you
6 remember?

7 A. (No response)

8 Q. You can't remember?

9 A. No.

10 Q. Okay. That's fine.

11 And you stated Frank came out, opened the passenger
12 door and then closed it?

13 A. Yes.

14 Q. And you were in the passenger's side of your Kia?

15 A. Yes.

16 MR. MORIN: That's all the questions that I have.

17 THE COURT: Ms. Racine.

18 MS. RACINE: Thank you, Your Honor.

19 CROSS EXAMINATION BY MS. RACINE:

20 Q. Ms. Hudson, you said that you and Rajshun went into
21 your friend Cordelia's apartment, right?

22 A. Yes.

23 Q. And he stays a while and you said he went outside to
24 listen to music, is that right?

25 A. Yes.

1 Q. Okay. And I believe you said that you looked out a few
2 minutes later and you saw Rajshun and "Slick" and a couple
3 other people out there?

4 A. Yes.

5 Q. Yes?

6 A. Uh-huh.

7 Q. All right.

8 Now, I believe in her opening Ms. Leskanic talked about
9 an altercation, a fight, a verbal fight, between Rajshun and
10 "Slick". When you looked out there, did you see anything in
11 their body language as to whether Rajshun is moving with
12 him, did you see anything that made you think oh, this was
13 about a fight?

14 A. No.

15 Q. Okay. So did they -- were they standing there kind of
16 facing each other, their arms blaring, or just kind of
17 talking like they normally talk?

18 A. Just talking.

19 Q. Okay. So nothing you saw would make you think --

20 A. That something was going on, yeah, no.

21 Q. Okay.

22 And I believe also Ms. Leskanic asked you about a shirt
23 change from maybe what Rajshun had on that morning that saw
24 later in that day. It was a really hot day that day, wasn't
25 it?

1 A. (Shaking head yes).

2 Q. And Rajshun had been outside most of the day sitting
3 out in the parking lot listening to music. Would it be that
4 unusual if he was out there and got hot for him to just
5 change shirts when he got home?

6 A. No, because he always took his shirt off.

7 Q. He what, I'm sorry?

8 A. He always took his shirt off.

9 Q. He changed clothes on regular basis?

10 A. Uh-huh.

11 Q. Okay.

12 MS. RACINE: Beg the court's indulgence, Your
13 Honor.

14 THE COURT: Yes, ma'am.

15 (Off the record)

16 (Back on the record)

17 BY MS. RACINE:

18 Q. You dated Rajshun for about a year, right?

19 A. Yes.

20 Q. Did you ever hear him say anything to you about a
21 falling out between him and "Slick"?

22 A. Not him and "Slick", no.

23 Q. I'm sorry?

24 A. They supposedly was close friends.

25 Q. Yeah.

1 Did he ever say that he wanted harm to come to "Slick"?

2 A. No.

3 Q. "Slick" had wronged him in any way?

4 A. No.

5 Q. Okay. So he never gave you any indication that he had
6 any problem at all with "Slick"?

7 A. No. That's why when people were saying they had fought
8 and stuff, I was like why.

9 Q. Completely out of character between Rajshun and "Slick"
10 for them to fight?

11 A. Uh-huh.

12 Q. Okay.

13 MS. RACINE: No further questions.

14 MS. LESKANIC: May we approach just a moment, Your
15 Honor?

16 (Whereupon, the lawyers approached the bench for
17 an off-the-record discussion)

18 THE COURT: Mr. Foreman, ladies and gentlemen of
19 the jury, I'm going to have a matter of law I have to take
20 up, but it's break time. In fact, we are past the break
21 time. We try to stop at the top of hour there, so with that
22 it's going to be a good fifteen or eighteen minute break,
23 because as soon as I decide this, I'm going -- we are going
24 to take a break as well. I'm going to get some more coffee.

25 Don't talk about the case. It's certainly not at

1 an end. It's not at that point. You are on break. When
2 you're on break and you're on break at work, you don't talk
3 about work, so, Mr. Foreman, if you will take the jury out
4 and refresh yourselves.

5 (The following takes place outside the presence of
6 the jury panel)

7 THE COURT: Okay. Let's get on the record on
8 this.

9 MS. LESKANIC: Thank you, Your Honor.

10 Ms. Racine's last line of questioning had to do
11 with whether Rajshun had any problem with "Slick" leading up
12 to this.

13 Ms. Hudson, in her statement, stated that "I
14 remember that morning before anything happened I remember
15 Rajshun said that both of his home boys were beefing with
16 each other. He said that Frank was mad because Frank was
17 saying "Slick" had robbed him. Rajshun said that Frank told
18 him that when he went to the Club Universal in Spartanburg.
19 He had went with Frank there Saturday night. Frank dropped
20 him off at my apartment about four a.m. that morning."

21 But I think it's been presented to the jury like
22 nobody has a problem with "Slick", and I didn't go into that
23 whether anybody had said anything or whether she was aware
24 of any conflict, but she is aware of a conflict with one of
25 the defendants, and I understand Ms. Racine just represents

1 Mr. Foster and she is protecting his interests. However, I
2 don't want it to be misleading either that Ms. Hudson isn't
3 aware that there was a conflict between "Slick" and one of
4 the defendants.

5 THE WITNESS: She said Rajshun --

6 THE COURT: Hang on, ma'am. Hang on. Hang on.

7 THE WITNESS: Oh.

8 THE COURT: Mr. Morin?

9 MR. MORIN: Your Honor, obviously I didn't ask
10 anything about this, because I represent Mr. Dover, and
11 obviously this is a hearsay question that I can't
12 cross-examine the person because he's unavailable. And it's
13 akin to a Blair issue, and I think Ms. Racine's questions
14 regarding her client are regarding her client and we are not
15 at the point to where the State has presented their case.
16 And so for them to now say that they have to correct this
17 thing because of what Ms. Racine said is completely out of
18 bounds.

19 I'm sorry that she elected to have us tried
20 together, but that's the way it is, and for my client to be
21 prejudiced by something else a defense attorney said
22 representing another client is completely inappropriate.

23 It would have been appropriate, and I was waiting
24 to object in the event she asked her on direct, and I was
25 careful not to open that door on my cross, and I don't think

1 that we should be penalized because Ms. Racine is trying to
2 represent her client.

3 It's tremendously prejudicial. It serves no
4 purpose, other than the fact that Ms. Leskanic has been
5 having trouble with this client -- this witness throughout
6 her testimony. And to now allow her to attach a motive to
7 my client, where we haven't done anything to justify that
8 being brought out, and by we, I mean Mr. Dover and I, is
9 inappropriate and I would object to any lineup of
10 questioning on that because it's hearsay.

11 MS. LESKANIC: If I --

12 Just briefly on the trying them together. Neither
13 Ms. Racine nor Mr. Morin filed a motion to sever. We did
14 elect to try them together, but the defense did not appear
15 to have any objection to that and no motion to sever was
16 filed and heard before Your Honor on that issue.

17 And I'll let the court determine the remaining
18 issue, but it just is making it sound like nobody had a
19 problem, and the State did not open that door, but now it
20 has been opened to, you know, Rajshun didn't have an issue.
21 Well, he didn't, but she has information about who did, and
22 if we are going to go into what who he didn't have a problem
23 with, then I think we should be able to go into who he did
24 have a problem with.

25 THE COURT: All right.

1 Ma'am, you can leave the stand and refresh
2 yourself. You are still under oath. You can't talk to
3 anyone about your testimony whatsoever. We are going to
4 take a break and refresh ourselves and I'll be back on the
5 bench in about fifteen minutes.

6 (Witness off the witness stand).

7 (Whereupon, proceedings were recessed)

8 (Whereupon, proceedings were reconvened)

9 THE COURT: I don't think that I should allow the
10 State to go into that, and I understand your position. I
11 really do. I think it is too prejudicial to Mr. Dover and I
12 just can't allow that.

13 I don't know if you want to -- while we don't have
14 a jury here, I don't know if you want to try to ask her some
15 questions in a proffer mode to maybe see if you can clean
16 that up or not. I will be happy to let the State do that.

17 MS. LESKANIC: I mean, I think what I would ask is
18 "are you aware of him having a problem with anyone? Were
19 you given information that he was having a problem with
20 anyone?"

21 THE COURT: Mr. Morin?

22 MR. MORIN: I still object to that because I can't
23 cross-examine them on that. The confrontation clause is
24 violated, if I can't --

25 I'm in a box, yeah, because I can't say "well, who

1 is the anyone?" I can't say "who told you that," because if
2 I do that, then they can ask "well, what did he say," so I'm
3 still boxed in that way.

4 MS. LESKANIC: I mean, I made a note "potential
5 Bruton issues. Don't go there," but now we've gone here and
6 it is -- everything is hunky dory between "Slick" and
7 Rajshun, but Rajshun told her that morning that there was a
8 problem with "Slick" and Frank, and I just think it's
9 misleading that nobody knows about any problems that anyone
10 is having and that's the impression the defense is trying to
11 present to the jury. It's not accurate.

12 MR. MORIN: She's got witnesses that are going to
13 fill in that.

14 MS. LESKANIC: I understand, but it's --

15 MR. KENDALL: I don't -- just so we are clear on
16 this, I just want to make sure we are not -- this is not a
17 Bruton issue. Bruton and testimony -- the Crawford case
18 makes clear the confrontation clause applies to statements
19 that are made like, just in pending for trial proceedings.
20 The statements Rajshun makes to Frank certainly is not
21 within the confines of that. Obviously I know there is a
22 separate argument going on here and I just want to make sure
23 that as far as Bruton goes, this isn't going to be a Bruton
24 issue. It's not a -- I don't think. I don't think it's a
25 testimonial statement nature. I just wanted to kind of

1 make --

2 MS. LESKANIC: No, I was just saying I was
3 avoiding anything that would have Rajshun say anything about
4 Frank, or Frank say anything about Rajshun, but now we have
5 pushed that door open a bit to say "were you aware of any
6 problem with Rajshun" and the answer to that is "no" and I
7 want to follow up "well, were you told of any problem that
8 Frank was having, or that "Slick" was having with someone?"
9 I mean, I think for a full examination of the facts, I just
10 think that that cuts us off and is misleading to the jury
11 and Ms. Hudson was not made aware of any problems that
12 anyone was having with "Slick" the day he was killed.

13 MR. KENDALL: And just the facts today would seem
14 to suggests otherwise. When they go to Frank's house and
15 she sees with an assault rifle, shows up again talking to
16 "Slick" with an assault rifle. I mean, that does not seem
17 like Rajshun is mixed -- has no problem with that, but they
18 are all there back together after having a meeting at
19 Frank's house.

20 MR. MORIN: He didn't see Frank there.

21 THE COURT: I understand. I understand. She's
22 testified, which is in contradiction to her statement to law
23 enforcement, because, ma'am, the statement that you gave,
24 you did know about a problem.

25 THE WITNESS: Not between Rajshun and "Slick".

1 THE COURT: Ma'am?

2 THE WITNESS: Not between Rajshun and "Slick" I
3 didn't.

4 THE COURT: I know that.

5 THE WITNESS: I never said -- I didn't say that
6 about Frank and "Slick".

7 THE COURT: Well, I know it leaves the State in a
8 tough spot there, but I just -- I just cannot let that -- I
9 can't open that door. He can't -- Mr. Morin cannot
10 cross-examine Mr. Foster.

11 Again, if you want to -- or just maybe just leave
12 it alone, I don't know.

13 MS. LESKANIC: I don't want to do this a third
14 time, but it just --

15 THE COURT: I know. I don't want to do it a third
16 time either.

17 MR. MORIN: I don't want to do it a second time.

18 MS. LESKANIC: Would I be able to ask "were you
19 made aware of a problem that anyone was having with "Slick"
20 at that time?"

21 MR. MORIN: I'm going to stay on -- I don't --
22 because the information is coming in she's already said it
23 wasn't Rajshun, so what can I do next? If she says yes,
24 then that means my client, who has already said no about Mr.
25 Foster, so I'm still stuck in that same spot.

1 THE COURT: I think the best thing to do is just
2 leave it alone and not draw any more attention to it.

3 MS. LESKANIC: Okay.

4 MR. MORIN: And I will say this. I'm not going to
5 talk about this line of questioning at all at the end, or
6 anywhere else.

7 MS. LESKANIC: Is that going to be part of the
8 closing, though --

9 MR. MORIN: Not from me.

10 MS. LESKANIC: And I understand that, but there
11 are two people over there and if it's going to be --

12 MR. MORIN: Well, I just wanted to be fair about
13 it.

14 MS. LESKANIC: And I'm trying to be fair about it
15 as well and I'm trying to have a clean case and I'm trying
16 to avoid issues that would make that not happen, but I also
17 need to be able to present the State's case. I do bear the
18 burden of proof and I know the jury would be told that
19 multiple times by everyone in here who gets to speak, so --
20 but I would like to be able to present the State's case and
21 when they open the door to things, I need to be able to ask
22 the followup questions.

23 THE COURT: I understand.

24 All right. Ready for the jury to come back?

25 MR. MORIN: Yes, sir.

1 THE COURT: Where are we on this?

2 THE WITNESS: Am I done?

3 THE COURT: I don't know, hang on. You may be
4 finished.

5 MS. LESKANIC: I guess Ms. Racine had just
6 finished with her --

7 THE COURT: Yeah.

8 MS. LESKANIC: -- so it would be redirect, and I'm
9 not going to have any redirect, Your Honor.

10 THE COURT: Okay. The next witness will be how
11 long?

12 Hang on, ma'am. Hang on.

13 MS. LESKANIC: Twenty minutes.

14 THE COURT: Twenty minutes. Okay. Good. It's
15 fifteen 'til, so that would take us -- the next witness
16 would be afternoon and we'll break for lunch?

17 MR. MORIN: Well --

18 THE COURT: Sir?

19 MR. MORIN: I have eighteen points that I needed
20 to cover.

21 THE COURT: Oh, that's fine. If it takes --

22 MR. MORIN: It may be more than twenty minutes.

23 THE COURT: That's fine, but the next witness will
24 take us past noon.

25 MR. MORIN: Yes.

1 THE COURT: Okay. Stay right there.

2 We will have the jury.

3 (The following takes place in the presence of the
4 jury panel)

5 THE COURT: Thank you, Mr. Foreman, ladies and
6 gentlemen.

7 Anything further from the State?

8 MS. LESKANIC: No redirect, Your Honor.

9 THE COURT: Ma'am, you may step down. Please be
10 careful.

11 MS. LESKANIC: The State calls Sharie Studyvance.

12 THE CLERK: Please raise your right hand and place
13 your left hand on the Bible.

14 SHARIE STUDYVANCE, having been first duly sworn,
15 testified as follows:

16 THE WITNESS: Yes.

17 THE CLERK: Watch your step.

18 THE COURT: Ma'am, tell us your name and spell
19 your last name, please.

20 THE WITNESS: Sharie Studyvance,
21 S-T-U-D-Y-V-A-N-C-E.

22 THE COURT: Yes, ma'am.

23 DIRECT EXAMINATION BY MS. LESKANIC:

24 Q. Good morning, Ms. Studyvance.

25 A. Good morning.

1 Q. I want to take you back to June 22nd, 2014. Did you
2 live in Connecticut Village at that time?

3 A. Yes.

4 Q. Do you remember which apartment that you lived in?

5 A. 4.

6 Q. Are you still living in Connecticut Village?

7 A. Yes.

8 Q. Do you still live in the same apartment?

9 A. Yes.

10 Q. All right.

11 Would you be able, looking at State's Exhibit 2, to
12 step down and show the ladies and gentlemen of the jury
13 where you live?

14 (Witness off the witness stand).

15 BY MS. LESKANIC:

16 Q. Be careful.

17 A. Right there.

18 Q. And that's Apartment 4?

19 A. Yes.

20 Q. Okay. Thank you very much.

21 A. Uh-huh.

22 (Witness back on the witness stand).

23 BY MS. LESKANIC:

24 Q. Were you home on June 22nd, 2014, the day Timothy Blair
25 was shot and killed?

1 A. Yes.

2 Q. Did you know Timothy Blair?

3 A. I know of him being in the neighborhood.

4 Q. So if you saw him, you would know who he was?

5 A. Yes.

6 Q. Okay. Did you see him that day?

7 A. Yes.

8 Q. Where did you see him?

9 A. Across the street -- across the street --

10 Q. Let me show you what's been marked State's Exhibit 5.

11 A. Yes, by that trash can.

12 Q. Okay. All right.

13 And who did you see outside?

14 A. I saw "Slick", "Shawn Fawlk", and "Gwap".

15 Q. Okay. "Slick" is Timothy Blair?

16 A. Yeah.

17 Q. And he was shot and killed that day?

18 A. Right.

19 Q. "Shawn Fawlk", do you know his real name?

20 A. Rajshun.

21 Q. Rajshun.

22 Okay. Do you see him in the courtroom today?

23 A. Yes.

24 Q. And what's he wearing?

25 A. A green shirt.

1 Q. Okay.

2 MS. LESKANIC: Your Honor, I would like the record
3 to reflect that she's been identified Mr. Foster.

4 THE COURT: So noted.

5 BY MS. LESKANIC:

6 Q. All right.

7 And you also saw "Gwap"?

8 A. Yes.

9 Q. Do you know who that is?

10 A. Yes.

11 Q. What's his real name?

12 A. Frank Dover.

13 Q. Okay. Do you see him in the courtroom today?

14 A. Yes.

15 Q. And what is he wearing?

16 A. A plaid shirt. I think that's burgundy.

17 Q. Okay.

18 MS. LESKANIC: Your Honor, I would like the record
19 to reflect that she's also identified Franklin Dover.

20 THE COURT: So noted.

21 MS. LESKANIC: With his nickname "Gwap".

22 BY MS. LESKANIC:

23 Q. Okay. If you could, I'm sorry to have you step down
24 again.

25 (Witness off the witness stand).

1 BY MS. LESKANIC:

2 Q. Could you please tell the ladies and gentlemen of the
3 jury what you were doing -- because your apartment is up
4 here, right --

5 A. Yeah.

6 Q. -- at the top, and this is looking down from your
7 apartment?

8 A. Right.

9 Q. All right.

10 Tell the jury what you were doing and details of what
11 you saw, please.

12 A. I was going to this apartment over here to take a lady
13 to the store.

14 I saw right here "Shawn Fawlk" and "Slick" over here
15 arguing on this side.

16 I saw "Gwap" about right here and his car with the door
17 open with a gun.

18 As me and the lady right here gets in the car to go up
19 the street, I heard "Gwap" told "Slick", which was over here
20 as well, he was over here say "I'll get you one way or the
21 other," and I went home. I -- no, I went to the store.

22 And then when I came back and dropped her off over
23 here, I went back home, my sister called me and say "they
24 shot that boy."

25 I went up there and I saw the boy on the ground where

1 he was shot at.

2 Q. Thank you very much.

3 A. Uh-huh.

4 (Witness back on the witness stand).

5 BY MS. LESKANIC:

6 Q. You saw Rajshun and "Slick" arguing?

7 A. Yes.

8 Q. Can you say -- describe that. What did you see? Who
9 was arguing and who was doing what?

10 A. I saw "Slick" and Rajshun arguing.

11 "Slick" was walking away because he did not want to
12 fight Rajshun, and he always would back up. When Rajshun
13 run up on him, he would back up.

14 Q. So Rajshun was running up on "Slick"?'

15 A. Yeah, and "Slick" will back up.

16 Q. Was "Slick" yelling back at him, or who was doing most
17 of the yelling?

18 A. Rajshun was doing most of the yelling. "Slick" was
19 saying "I don't want to fight."

20 Q. Okay. And what was "Gwap" or Frank Dover doing?

21 A. He was just standing in the car.

22 Q. Standing on what side of his car?

23 A. The driver's side.

24 Q. Was the driver's door open?

25 A. Yes, it was.

1 Q. What did you see?

2 A. He had a gun.

3 Q. What did the gun look like?

4 A. It was black and brown.

5 Q. Okay. Was it a pistol or was it a long gun?

6 A. It was a long gun.

7 Q. Big gun?

8 A. Big, like a -- it could be a rifle or a shotgun.

9 Q. Okay. And what did you hear? Did you hear anything
10 about what Rajshun and "Slick" were arguing about?

11 A. No, I did not.

12 Q. Okay. Did you have your car window up or down?

13 A. Down.

14 Q. And when you rode by, what did you hear Frank Dover
15 say?

16 A. He said "I'll get you one way or the other."

17 Q. "I'll get you one way or the other."

18 A. Yes.

19 Q. And you left?

20 A. I left.

21 Q. And went where?

22 A. To the store.

23 Q. How long -- how long from the time that you left to go
24 to the store you came back and got the call that "Slick" had
25 been murdered?

1 A. It was twenty, twenty-five minutes.

2 Q. So not long?

3 A. Not long.

4 Q. From the time that you watched that altercation --

5 A. Yes.

6 Q. -- you came home and got the call that "Slick" was
7 killed?

8 A. Right.

9 Q. I think that's all the questions that I have. Please
10 answer any questions the defense has.

11 THE COURT: Yes, sir.

12 CROSS EXAMINATION BY MR. MORIN:

13 Q. Ma'am, how long did you live in Connecticut Village?

14 A. I been living there for about thirteen years now.

15 Q. Still living there?

16 A. Yup.

17 Q. Okay. And who lives with you?

18 A. My kids.

19 Q. How old are they?

20 A. Fourteen and twelve.

21 Q. And where do you work at?

22 A. Heaven Sent Caregivers.

23 Q. Okay. Who was the person that you went to take to the
24 store?

25 A. Darlene.

1 Q. Did you go to the Food Lion there, or did you go to a
2 different store?

3 A. It's been so long I can't remember what store we went
4 to.

5 Q. All right. But it probably would have been something
6 like that, because by the time you went down East Junior
7 High and turned and went to the store and you came back,
8 that's twenty minutes, or so, that you are talking about
9 would have went by. Does that sound about right?

10 A. Yeah. It depends on what she went to the store and
11 got. I don't remember which store we went to.

12 Q. Okay.

13 Now, you knew "Slick" from there at Connecticut
14 Village, is that right?

15 A. Yes.

16 Q. Had you ever seen Frank Dover before that day?

17 A. Nope.

18 Q. Have you ever seen him since that day out?

19 A. Nope.

20 Q. Okay. Tell me about the car he was standing next to.

21 A. It was a black car.

22 Q. Okay. Do you remember if it had -- how many doors it
23 had?

24 A. No, I don't remember how many doors it had.

25 Q. Okay.

1 How about Rajshun, did he have a car, or do you know?

2 A. Well, I didn't see him by a car or nothing. He was on
3 the sidewalk.

4 Q. How long have you been known Mr. Foster?

5 A. I went to school with him.

6 Q. Okay.

7 Now, since this --

8 You say that you have been there for thirteen years,
9 right?

10 A. Uh-huh.

11 Q. This is the only murder that's happened out there, is
12 that correct?

13 A. Yup.

14 Q. Okay. And that day after this happened there were a
15 lot of people out and about talking about this, is that
16 right?

17 A. I can't say because I'm a home person. I stay in the
18 house.

19 Q. So you didn't go on up there? Everybody else -- there
20 was a lot of people who went up there, though, wasn't there?

21 A. Yeah, there was a lot of people who went up there, but
22 I don't talk to people like that.

23 Q. Okay. Who told you the name "Gwap"?

24 A. Who told me the name "Gwap"?

25 Q. Uh-huh.

1 A. Well, I don't know who told me the name "Gwap".
2 Everybody was saying "Gwap", but I -- I have a good
3 memory --

4 Q. Sure.

5 A. -- and if I see you one time and I see you, I remember
6 who you is.

7 Q. I understand that. That I agree with, but, I mean, do
8 you know my name?

9 A. No.

10 Q. No.

11 And if I told you my name, or if Ms. Leskanic told you
12 my name, then you would know my name, right? I mean, that's
13 how names work.

14 A. Yeah.

15 Q. So somebody told you the name "Gwap", because you never
16 seen Mr. Dover before?

17 A. No, it's like I said, there's a lot of people --

18 Q. A lot of people down there in Connecticut Village --

19 A. And if --

20 Q. -- right?

21 A. And if you go out and walk in your house and you hear
22 people talking --

23 Q. Uh-huh.

24 A. -- and you hear names, and they will say "well, that
25 person right there was such and such and such," you are

1 going to remember who that person is and put a face with it.

2 Q. I understand.

3 Now, do you know Terrica Bonner?

4 A. I have heard of her. I don't know her.

5 Q. Okay.

6 And you knew "Slick" from out there at Connecticut
7 Village?

8 A. Right.

9 Q. Do you know if he lived out there, or did you just see
10 him around?

11 A. I saw him around, because I stay in the house. I don't
12 bother people.

13 Q. Obviously you have those young children too. You ain't
14 got time to be between work and them, right?

15 A. Nope.

16 Q. Do you know Antron Bonner?

17 A. No, I don't know him.

18 Q. Okay.

19 MR. MORIN: That's all questions that I have, Your
20 Honor.

21 THE COURT: Okay, Ms. Racine.

22 MS. RACINE: Thank you, Your Honor.

23 CROSS EXAMINATION BY MS. RACINE:

24 Q. Just a few questions for you, Ms. Studyvance.

25 When Ms. Leskanic was talking to you, you said that

1 Rajshun ran up on "Slick". What do you mean by ran up on
2 him?

3 A. Like wanted to fight.

4 Q. How did you know he wanted to fight?

5 A. The way he was running up on him.

6 Q. Okay. Did he touch him?

7 A. No.

8 Q. Shove him?

9 A. No.

10 Q. Punch at him?

11 A. No.

12 Q. Stopped close to him, is that what you are saying?

13 A. He never did get close, because "Slick" would always
14 back up.

15 Q. Okay. But he's running up on him trying to get close,
16 is that right?

17 A. Yeah, but he never did touch him, because "Slick" would
18 always move.

19 Q. Okay. Did "Slick" have to jump down to avoid a punch?

20 A. No.

21 Q. Okay. Did he have to jump back to keep Rajshun from
22 shoving him?

23 A. No.

24 Q. When "Slick" walked away, did Rajshun take after him?

25 A. No.

1 Q. He just stood there and let him go?

2 A. Yeah.

3 Q. Okay. I believe you said that you heard "Gwap" make a
4 threat --

5 A. Yeah.

6 Q. -- is that correct?

7 A. Yes.

8 Q. Did you hear Rajshun say anything?

9 A. He did not.

10 Q. Thank you.

11 MS. RACINE: No further questions.

12 THE COURT: Yes, ma'am.

13 MS. LESKANIC: May we approach a moment?

14 THE COURT: Yes.

15 (Off the record).

16 (Back on the record).

17 (Whereupon, the lawyers approached the bench for
18 an off-the-record discussion).

19 THE COURT: Solicitor.

20 MS. LESKANIC: Thank you, Your Honor.

21 REDIRECT EXAMINATION BY MS. LESKANIC:

22 Q. Ms. Studyvance, how certain are you that the three
23 people you saw outside the apartment was Rajshun Foster,
24 "Slick", and Frank Dover?

25 A. One hundred percent.

1 Q. And you hadn't seen Frank Dover before that day, is
2 that correct?

3 A. No.

4 Q. All right. Were you interviewed by police?

5 A. Yes.

6 Q. And during that interview were you ever shown a lineup
7 of individuals?

8 A. Yes.

9 Q. And asked whether you recognized anyone in that lineup?

10 A. Yes.

11 (Photographic Lineup marked as State's Exhibit No.
12 28 for identification)

13 BY MS. LESKANIC:

14 Q. Okay. I want to show you what's marked State's Exhibit
15 28. If you would, take a look at this, please, and tell me
16 if you recognize that?

17 A. Yes, I do.

18 Q. Okay. Is this something that was shown to you by law
19 enforcement on July 15th of 2014, at 12:25?

20 A. Yes.

21 Q. Is this your signature?

22 A. Yes, ma'am.

23 Q. And what does this show?

24 A. That I marked "Fawlk", number 4.

25 Q. Okay. All right. And you selected him from --

1 A. I did.

2 Q. Okay. And you went to school with him, is that
3 correct?

4 A. I went to school with Rajshun. I didn't go to school
5 with "Gwap".

6 Q. Okay. All right. But State's Exhibit 28, that's your
7 identification --

8 A. Uh-huh.

9 Q. -- of Franklin Dover, or "Gwap", is that correct?

10 A. Right.

11 Q. When law enforcement showed you this lineup, can you
12 walk the ladies and gentlemen of the jury through the
13 process by which you picked him out?

14 A. I looked at it and I went straight to him.

15 Q. Okay. And did law enforcement give you any indication
16 that --

17 A. No.

18 Q. -- the person -- that any person involved in this case
19 would actually be in one of these six photographs?

20 A. Uh-uh.

21 Q. Okay. What did they ask you?

22 A. They asked me, said "I'm going to show you some lineup.
23 They may and it may not be in here." And they said "if you
24 see who the person is, you circle it."

25 Q. Okay. And you did that on July 15th of 2014?

1 A. Yes.

2 Q. Okay. And you are a hundred percent sure this is who
3 was outside and who made the threat to "Slick"?

4 A. Yes, ma'am.

5 Q. Okay. And the altercation between "Slick" and Rajshun,
6 Rajshun didn't chase after "Slick", but what was going on in
7 that area near the trash can? Describe to the ladies and
8 gentlemen of what you saw.

9 A. All I saw was them arguing. I don't know what they was
10 arguing about, but they -- Rajshun wanted to fight, but
11 "Slick" didn't want to fight.

12 Q. Did it appear that the three men, or at least that
13 Rajshun and "Gwap", were together? I mean, "Gwap" was
14 watching what was going on --

15 A. Yeah.

16 Q. -- and was part of that?

17 A. Yeah, he was watching.

18 Q. Okay. And then he yelled out the statement to "Slick"?

19 A. Yes, he did.

20 Q. And was there anything obstructing your view of what
21 was going on and the individuals that were out there?

22 A. No.

23 MS. LESKANIC: Your Honor, at this time we would
24 offer State's Exhibit 28 for admission.

25 MR. MORIN: No objection.

1 MS. RACINE: No objection.

2 THE COURT: State's 28 is admitted without
3 objection.

4 (Whereupon, State's Exhibit No. 28 was entered
5 into the record as evidence)

6 BY MS. LESKANIC:

7 Q. Thank you. That's all the questions that I have.

8 THE COURT: Anything?

9 MR. MORIN: Yes, sir.

10 RECROSS EXAMINATION BY MR. MORIN:

11 Q. Ma'am, Ms. Studyvance, you spoke to Spike McCraw and
12 Richard Burgess that day, is that correct?

13 A. Yes.

14 Q. And you gave them a statement?

15 A. Yes.

16 Q. And did you give the statement before or after you
17 picked this lineup, do you remember?

18 A. I don't remember.

19 Q. Okay. And in the statement you told them "Slick",
20 "Fawlk", and "Gwap", correct?

21 A. Yes.

22 Q. Okay. And they didn't tell you the name "Gwap", did
23 they?

24 A. No.

25 Q. Okay.

1 MR. MORIN: That's all the questions that I have.

2 THE COURT: Anything?

3 MS. RACINE: No questions.

4 THE COURT: Ma'am, you may step down. Please be
5 careful.

6 Mr. Foreman, ladies and gentlemen of the jury, we
7 are going to break for lunch at this time.

8 Do not talk about the case. Do not try to learn
9 anything about the case outside of this courtroom. Again,
10 we must learn from this witness stand from the testimony and
11 exhibits that are provided in this courtroom.

12 We are going to break for lunch for about an hour
13 and a half. Actually, just a little more than that. That
14 will put us at a quarter to two, so 1:45 if you will be back
15 in place ready to go to work. I bring my lunch, so I'm not
16 going anywhere. I'm going to throw it in the microwave and
17 I will be right here so we will be ready to go at 1:45.
18 1:45.

19 Mr. Bailiff.

20 (The following takes place outside the presence of
21 the jury panel)

22 THE COURT: Anything from anyone before we break
23 for lunch?

24 MR. MORIN: No, sir.

25 MS. LESKANIC: No, sir.

1 MS. RACINE: No, sir.

2 THE COURT: Okay. 1:45.

3 (Whereupon, proceedings were recessed)

4 (Whereupon, proceedings were reconvened)

5 THE COURT: Bring her in the courtroom.

6 (Whereupon, Juror Number 2 was brought into the
7 courtroom)

8 THE COURT: Come right here, ma'am.

9 What can I help you with?

10 JUROR NUMBER 2: I have already spoken to my mom
11 and she actually forgotten all about it, but she was
12 actually planning to go out of town Thursday. Yeah,
13 Thursday. And I have contacted like so many people already
14 and they said that they can't take care of my son at the
15 time I would be needed for jury duty.

16 THE COURT: Well, how old is your son?

17 JUROR NUMBER 2: He's nineteen months.

18 THE COURT: Well, let's do this. If she's going
19 to be gone on Thursday, today is just Tuesday, we still got
20 plenty of time to get day-care lined up. I cannot release
21 you. You have been picked and you are on the panel.

22 JUROR NUMBER 2: I'm not -- I know I can't do
23 that, but I'm just not comfortable with putting him in
24 day-care, not something that I would like to do.

25 THE COURT: I understand, but what I'm saying is

1 we still have plenty of time. You have family and friends
2 that are here, and so if she's only going to be gone one day,
3 she's going to be gone Thursday?

4 JUROR NUMBER 2: Yeah. Yes, sir.

5 THE COURT: So she would be available Friday?

6 JUROR NUMBER 2: I think so.

7 THE COURT: She's available tomorrow, Wednesday?

8 JUROR NUMBER 2: Yes, sir.

9 THE COURT: Okay. Well, that gives you tonight
10 and, you know, tomorrow, tomorrow night to try to make some
11 arrangements. I can't -- I can't let you go.

12 JUROR NUMBER 2: I have contacted a lot of people
13 during break. I have contacted them and they said they
14 already got their own plans, their own scheduling, they were
15 unable to take care of him.

16 THE COURT: Okay. You don't have anybody that
17 could take care of this child? What about your brother?

18 JUROR NUMBER 2: He works.

19 THE COURT: All right. And your father?

20 JUROR NUMBER 2: He also works.

21 THE COURT: Okay. I can't let you go, so you are
22 going to have to make some arrangements tonight at some
23 point, okay?

24 JUROR NUMBER 2: Yeah.

25 THE COURT: I can't. Thank you.

1 (Whereupon, Juror Number 2 returned to the jury
2 room).

3 THE COURT: Ready for the jury?

4 MS. LESKANIC: Yes, sir, the State is ready.

5 MR. MORIN: Yes, sir.

6 MS. RACINE: Yes.

7 THE COURT: All right. We will have the jury.

8 (The following takes place in the presence of the
9 jury panel)

10 THE COURT: Solicitor.

11 MS. LESKANIC: If it please the court, the State
12 calls Nakisha Love.

13 THE CLERK: Please raise your right hand and place
14 your left hand on the Bible.

15 NAKISHA LOVE, having been first duly sworn,
16 testified as follows:

17 THE WITNESS: Yes, ma'am.

18 THE CLERK: Watch your step.

19 THE COURT: Ma'am, tell us who you are and spell
20 your last name for my court reporter, please.

21 THE WITNESS: I'm Nakisha Love and my last name is
22 spelled L-O-V-E.

23 THE COURT: Solicitor.

24 MS. LESKANIC: Thank you, Your Honor.

25

1 DIRECT EXAMINATION BY MS. LESKANIC:

2 Q. Ms. Love, were you in Connecticut Village on June 22nd
3 of 2014?

4 A. Yes, ma'am.

5 Q. And what were you doing there?

6 A. I was in my aunt's house with my baby.

7 Q. And who is your aunt?

8 A. Sharie Studyvance.

9 Q. And do you know that she already testified today?

10 A. Yes, ma'am, she did.

11 Q. Do you know what apartment she lives in?

12 A. 4.

13 Q. Okay. Could you show -- step down and just show the
14 jury where that is?

15 (Witness off the witness stand).

16 A. Right there.

17 BY MS. LESKANIC:

18 Q. Okay. So you are at your aunt's house visiting her?

19 A. Yes, ma'am.

20 Q. Okay.

21 (Witness back on the witness stand).

22 BY MS. LESKANIC:

23 Q. And did something get your attention?

24 A. Yes, ma'am.

25 Q. What -- please tell the ladies and gentlemen of the

1 jury what you saw and heard.

2 A. I heard arguing outside.

3 Q. Okay. Where was the arguing coming from?

4 A. Do you want me to get back down?

5 Q. If you would. You can stay down. I have got a few
6 exhibits, so if you don't mind. Just speak up loud enough
7 that the court reporter can hear you and that the jury can
8 hear you.

9 (Witness off the witness stand).

10 A. I was in the house. I heard arguing. By the time I
11 got outside I didn't hear no more arguing, or whatever, but
12 I seen people outside.

13 BY MS. LESKANIC:

14 Q. And where were they?

15 A. Right there, right there, and right there.

16 Q. Okay. Let me -- stay right there and I'm going to try
17 to give you a closer-up view.

18 Do you recognize this as State's Exhibit 4?

19 A. Yes, ma'am.

20 Q. Could you use that, would that help you explain where
21 you saw people?

22 A. Yes, ma'am.

23 Q. Okay. Who did you see and where were they?

24 A. I seen Frank right there.

25 Q. Is that Franklin Dover?

1 A. Yes, ma'am.

2 Q. All right. And do you know him?

3 A. I don't know him know him, but I have heard of him,
4 seen him around.

5 Q. Okay. And you saw him that day?

6 A. Uh-huh.

7 Q. All right. And where was he?

8 A. He was right here.

9 Q. Okay. Do you see him in the courtroom today?

10 A. Yes, ma'am.

11 Q. What is he wearing?

12 A. It looks like a brown striped shirt.

13 Q. Okay.

14 MS. LESKANIC: Your Honor, if the record would
15 reflect she's identified Franklin Dover?

16 THE COURT: So noted.

17 MS. LESKANIC: Thank you.

18 BY MS. LESKANIC:

19 Q. Okay. And who else did you see outside?

20 A. I saw Rajshun right here.

21 Q. Okay. Who is Rajshun?

22 A. Right there in the -- that's a green or yellow. I
23 can't really see over there.

24 MS. LESKANIC: Your Honor, let the record reflect
25 she's identified Rajshun Foster.

1 THE COURT: So noted.

2 BY MS. LESKANIC:

3 Q. Okay. And who else did you see?

4 A. I seen "Slick".

5 Q. Is "Slick" Timothy Blair?

6 A. Yes.

7 Q. And where was he?

8 A. He was -- it ain't showing in the picture, but he's
9 about seventy feet.

10 Q. Okay. And what was going on when you --

11 You may take a seat now.

12 What was going on when you went outside?

13 (Witness back on the witness stand)

14 A. When I went outside it wasn't nothing going on.

15 BY MS. LESKANIC:

16 Q. Okay. What got your attention to go outside?

17 A. I heard arguing.

18 Q. Okay. Was anyone else outside, other than Franklin
19 Dover, Rajshun Foster, and Timothy Blair?

20 A. I didn't see no one else.

21 Q. Okay. And so what do you do?

22 A. I went outside and I seen "Fawlck", he asked me could he
23 see my baby and I put my baby to him and let him see him.
24 And then when he got finished talking to her, or whatever, I
25 went back in the house.

1 Q. Okay. Now, why would Rajshun Foster want to see your
2 baby?

3 A. Because he is my baby's father's cousin.

4 Q. Okay.

5 A. So that makes him and my baby related.

6 Q. Makes him what?

7 A. Him and my baby girl related.

8 Q. Okay. So he wanted to see the baby.

9 Now, you saw Franklin Dover out there. Did you hear
10 anything that anybody said or hear what the argument was
11 about?

12 A. No, I didn't hear what the argument was about.

13 Q. Okay. Did you hear anybody say anything?

14 A. I heard Frank say "I'll get you one way or another,"
15 but that was it.

16 Q. Okay. And who was he saying that to?

17 A. I'm guessing "Slick", I don't know.

18 Q. Okay. How did "Slick" appear to you?

19 A. He just had his head down. He was walking away.

20 Q. Okay. Did he --

21 A. When I -- when I got outside he was already walking
22 away.

23 Q. Okay. He was walking away and you heard Frank Dover
24 yell out to him "I'll get you one way or the other?"

25 A. Yes, ma'am.

1 Q. Okay. Did you see where "Slick" walked when he left,
2 and I will show you back State's Exhibit 2, if you saw what
3 direction he walked away.

4 A. He walked between the --

5 (Witness off the witness stand).

6 A. He walked between the building right here.

7 BY MS. LESKANIC:

8 Q. Okay. There is a sidewalk there?

9 A. Yes, ma'am.

10 Q. Okay. So he's down in the bottom area?

11 A. Right there.

12 Q. And you saw him start to walk up the sidewalk?

13 A. Yes, ma'am.

14 Q. And you heard Frank Dover yell "I'll get you one way or
15 the other?"

16 A. Yes, ma'am.

17 Q. And he and Rajshun were both kind of in the same area
18 when you walked outside?

19 A. A little bit, yes, ma'am.

20 Q. Okay.

21 (Witness back on the witness stand)

22 BY MS. LESKANIC:

23 Q. And it was arguing that you heard that got your
24 attention to come out?

25 A. Yes, ma'am.

1 Q. Did you see when Rajshun and Frank left?

2 A. Yes, ma'am.

3 Q. Did they drive away in one car or drive away
4 separately?

5 A. I seen them in separate cars.

6 Q. Okay. Did you see them do anything near their cars?

7 A. No, ma'am.

8 Q. All right. Now, were you still in Connecticut Village
9 when "Slick" was shot?

10 A. Yes, ma'am.

11 Q. And how did you find out about the shooting?

12 A. I just heard a gunshot. And when I looked outside, I
13 seen everybody running, so I started going -- I went over to
14 Sharie's house to take my brother my baby, or whatever, and
15 I started going with the crowd.

16 Q. And where did the crowd go?

17 A. By the mail box.

18 Q. Okay. These mail boxes here?

19 A. Yes, ma'am.

20 Q. Okay. And this is the back of Apartment **1**. Did you
21 go around there and see "Slick"?

22 A. Yes, ma'am, I went all the way up.

23 Q. Okay. Did you see anybody running away from the scene?

24 A. No, ma'am.

25 Q. How soon after you heard the argument and went outside

1 and saw "Gwap" and Rajshun and "Slick", how soon after that
2 did you hear the shot fired, approximately?

3 A. I would say about fifteen, twenty minutes.

4 MS. LESKANIC: Just one moment, please.

5 (Off the record).

6 (Back on the record).

7 BY MS. LESKANIC:

8 Q. I think that's all the questions that I have.

9 Please answer any questions that the defense has.

10 CROSS EXAMINATION BY MR. MORIN:

11 Q. Ma'am, how long have you lived in Connecticut Village?

12 A. I stayed down there for nine years.

13 Q. Okay. And you said at the beginning that you were
14 visiting your --

15 A. My aunt.

16 Q. Sharie Studyvance --

17 A. Yes.

18 Q. -- is that right?

19 A. Yes.

20 Q. She lives in Apartment 4?

21 A. Yes.

22 Q. When you heard the argument, was Mr. Studyvance home?

23 A. No.

24 Q. Where -- do you know where she was?

25 A. She was across the road at her friend girl's house

1 taking her to the store.

2 Q. Okay. And after the argument, fifteen or twenty
3 minutes went by, and then people started going?

4 A. Uh-huh.

5 Q. That's the way you described it.

6 And it was a lot of people down there?

7 A. Yes.

8 Q. When that happened where were you? Were you still at
9 Ms. Studyvance's apartment?

10 A. Yes.

11 Q. Was Ms. Studyvance home?

12 A. No.

13 Q. She wasn't there?

14 A. No.

15 Q. And you say that you saw Mr. Foster and Mr. Dover leave
16 in separate cars?

17 A. Yes.

18 MR. MORIN: That's all the questions that I have.

19 THE COURT: Ma'am?

20 CROSS EXAMINATION BY MS. RACINE:

21 Q. Ms. Love, I only have two questions for you.

22 I know you said that you heard Mr. Dover threaten
23 "Slick". Did you ever hear Rajshun threaten him?

24 A. No, ma'am.

25 Q. Okay. And there was testimony earlier about Rajshun

1 running up on "Slick", like he was trying to fight him. Did
2 you see any evidence that he was trying to fight "Slick"?

3 A. No, ma'am.

4 MS. RACINE: No further questions. Thank you.

5 THE COURT: Anything?

6 MS. LESKANIC: Nothing further, Your Honor.

7 THE COURT: Ma'am, you may step down. Please be
8 careful.

9 THE WITNESS: Thank you.

10 MS. LESKANIC: The State calls Kiara Douglas.

11 THE CLERK: Please raise your right hand and place
12 your left hand on the Bible.

13 KIARA DOUGLAS, having been first duly sworn,
14 testified as follows:

15 THE WITNESS: Yes, ma'am.

16 THE CLERK: Okay. Watch your step.

17 THE COURT: Ma'am, tell us your name and spell
18 your last name, please.

19 THE WITNESS: Kiara, last name Douglas,
20 D-O-U-G-L-A-S.

21 THE COURT: Thank you.

22 Solicitor.

23 MS. LESKANIC: Thank you, Your Honor.

24 DIRECT EXAMINATION BY MS. LESKANIC:

25 Q. Ms. Douglas, were you living in Connecticut Village on

1 on June 22nd, 2014?

2 A. Yes, ma'am.

3 Q. What apartment did you live in?

4 A. 5.

5 Q. Could you please, looking at State's Exhibit 2, show
6 the ladies and gentlemen of the jury which apartment was
7 yours? You may step down if you need to. Just watch your
8 step.

9 (Witness off the witness stand).

10 A. (Witness pointing).

11 MS. LESKANIC: Okay. Thank you very much.

12 (Witness back on the witness stand).

13 BY MS. LESKANIC:

14 Q. Did you know Timothy Blair?

15 A. Yes, ma'am.

16 Q. And how long had you known Mr. Blair?

17 A. Something like two or three months.

18 Q. Did you meet him in Connecticut Village, or how did you
19 meet him?

20 A. In Connecticut Village.

21 Q. And how did you meet him?

22 A. How did I meet him?

23 Q. Yes, ma'am.

24 A. Just -- I had been walking and he came up to me and we
25 got -- we were friends ever since then. Just being outside.

1 Q. So you have been friends for a few months --

2 A. Yes.

3 Q. -- just from living in that area and Mr. Blair being in
4 Connecticut Village?

5 A. Yes, ma'am.

6 Q. Did you see him on the day that he was killed?

7 A. I saw him.

8 Q. Okay. When did you see him and where? If you could
9 explain to the jury your interaction with "Slick" that day
10 before he was murdered?

11 A. He had came up to my apartment, to the back door, and
12 when he came in he was looking nervous and I asked him what
13 was going on. He had told me he had got into an argument
14 with Rajshun and Frank.

15 Q. Did you know Rajshun and Frank?

16 A. Yes, ma'am.

17 Q. Okay. Could you identify them? Do you see them in the
18 courtroom?

19 A. Yes, ma'am.

20 Q. Okay. Well, did you see them that day?

21 A. No, ma'am.

22 Q. Okay. So you didn't see -- did you see any altercation
23 take place?

24 A. No, ma'am.

25 Q. All right. You just -- "Slick" came to your house and

1 told you what?

2 A. That they had got into an argument.

3 Q. Okay. And that they had just gotten into that
4 argument?

5 A. Yes, ma'am.

6 Q. How did -- how did "Slick" normally appear? What was
7 his personality on a normal day?

8 A. He normally appeared happy, but this time it looked
9 like he had something on his mind.

10 Q. Okay. What does that mean?

11 A. Nervous. Nervous type. He was nervous.

12 Q. Okay. And when he told you that he was nervous, did he
13 tell you why he was nervous?

14 A. Yes, ma'am.

15 Q. Okay. Because of the altercation?

16 A. Yes, ma'am.

17 Q. All right.

18 And then did y'all decide to do something because of
19 that?

20 A. Yes, ma'am. When I told him to go out and get his
21 clothes and come back and call whoever he needed to call and
22 come and pick him up.

23 Q. So he wanted to get out of Connecticut Village?

24 A. Yes, ma'am.

25 Q. All right. And what did you -- I guess what was

1 y'all's plan for him to be able to leave?

2 A. The plan was to go get his clothes, come back and use
3 my phone and just stay there until whoever come and pick him
4 up.

5 Q. Okay. Did he seem afraid to you?

6 A. Yes, ma'am, when he came up there.

7 Q. Okay. How long was he in your apartment before he
8 left?

9 A. He wasn't -- probably like fifteen minutes. He wasn't
10 in there long.

11 Q. Okay. And then he left?

12 A. Yes, ma'am.

13 Q. And did you ever see him again?

14 A. No, ma'am. No, I didn't.

15 Q. All right. What happened?

16 A. When I saw him, he was laying on the ground dead. I
17 could see he had got shot.

18 Q. Okay. How did you find out about the shooting?

19 A. I had went outside. I know I had called his phone. He
20 didn't pick up, and I called again, so that what's made me
21 go outside. And then when I ran around the corner by the
22 mail boxes and saw him laying on the ground in the back.

23 Q. So after he had left your apartment, you were concerned
24 enough to call him twice to find out when he was coming
25 back?

1 A. Yes, ma'am. I didn't call him right then, but I called
2 him.

3 Q. Okay. And no answer?

4 A. No answer.

5 Q. And then how did you find out about the shooting, or
6 did you hear the shot?

7 A. I didn't hear no shooting. I just walked around and
8 people was talking about it and I wandered around there and
9 I saw him laying on the ground.

10 Q. And how soon after he left your apartment did you find
11 out that he had been shot?

12 A. Probably about twenty minutes. Fifteen, twenty
13 minutes.

14 Q. Hold on one minute.

15 (Off the record).

16 (Back on the record).

17 BY MS. LESKANIC:

18 Q. Thank you. Please answer any questions that the
19 defense has.

20 THE COURT: Yes, sir.

21 CROSS EXAMINATION BY MR. MORIN:

22 Q. Ms. Douglas, when you say there was a plan, the two of
23 you agreed that that was going to happen, is that correct?

24 A. Agreed what was going to happen?

25 Q. That he was going to leave and come back?

1 A. I thought he was going to come back, but he didn't get
2 to make it back that what we agreed so didn't come back.

3 Q. That's the part I'm asking about right now.

4 So when he left out of your apartment, the two of you
5 had an agreement, is that correct?

6 A. Uh-huh, to come back and call.

7 Q. He was going to go to which apartment to get his
8 clothes?

9 A. Somewhere down the street. He didn't say.

10 Q. You didn't know where he stayed?

11 A. Uh-uh.

12 Q. You just met him while he was walking around?

13 A. I met him -- I -- when I was outside.

14 Q. Yeah, that's what I meant.

15 A. Yeah.

16 Q. Because it's hot out there and they are not all air
17 conditioned, right, so a lot of people are out there,
18 especially when it's hot that time of year, right?

19 A. I really rather be outside like that, but I be out
20 there.

21 Q. Sure.

22 Who did you live with?

23 A. Myself.

24 Q. You didn't -- nobody else lived with you?

25 A. Uh-uh.

1 Q. Okay.

2 Now, if I understand correctly, he had his own
3 cellphone, right?

4 A. Uh-huh.

5 THE COURT: Yes?

6 A. Yes, sir.

7 BY MR. MORIN:

8 Q. And he could have called his people right from your
9 house, couldn't he?

10 A. He had to go get his stuff.

11 Q. All right. But he could have called and said "y'all
12 need to come and pick me up" and then gone and got his
13 stuff, correct?

14 A. Yes, but I don't think he had no cellphone on him then,
15 so I told him to come back to my apartment.

16 Q. Right, but you called him. You testified that you
17 called him.

18 A. Uh-huh.

19 Q. So he did have the phone, but you are saying now you
20 don't know if he had it with him?

21 A. No, because I didn't look for none of that. He was
22 just telling me what was going on.

23 Q. Okay.

24 Back then where were you working?

25 A. What? Where I what?

1 Q. Where were you working?

2 A. I don't remember.

3 Q. All right. And you are saying he came to your house
4 and told you there was an argument and he stayed there about
5 fifteen minutes, is that right?

6 A. Uh-huh. Yes, sir.

7 Q. And then after he left, another fifteen minutes go by
8 and you had --

9 A. Decided to call him.

10 Q. Decided to call?

11 A. Uh-huh.

12 Q. Okay. And it wasn't shortly after that that you
13 started hearing other people talking about what had
14 happened?

15 A. No, sir, I had walked outside and went around the
16 corner --

17 Q. Okay.

18 A. -- and then when I heard talking about when I went
19 outside.

20 Q. Okay. You went outside after you tried to call him?

21 A. Uh-huh, and he didn't pick up.

22 Q. Right.

23 But as far as you know, did he even live in Connecticut
24 Village?

25 A. I really don't know. I don't know.

1 Q. And do you know who his people were?

2 A. No.

3 Q. Did you have a car?

4 A. No.

5 Q. But it's fair to say that when he left, because you
6 knew him, he was your friend, that he was going to go get
7 his stuff and come back? That was your plan?

8 A. That's what I thought, but he didn't get to make it
9 back.

10 Q. I understand. But that's what he was going to do, as
11 far as you knew?

12 A. Yes, sir.

13 MR. MORIN: That's all the questions that I have.

14 THE COURT: Ms. Racine?

15 MS. RACINE: Thank you, Your Honor.

16 If it please the court.

17 CROSS EXAMINATION BY MS. RACINE:

18 Q. Ms. Douglas, I really -- I really only have one
19 question for you.

20 A. Uh-huh.

21 Q. You said that "Slick" was terrified or something,
22 right; trying to get away, trying to pack up his stuff and
23 get out as quick as he could, is that right?

24 A. No, ma'am, I said he was terrified that he had got into
25 an argument with Rajshun and Frank.

1 Q. Okay.

2 A. I didn't say just Rajshun.

3 Q. Rajshun and Frank. Okay.

4 So he came to you and you said "get your stuff. I'll
5 help you get out of here?"

6 A. No, ma'am, I didn't say it like that.

7 Q. Okay.

8 A. I said "you go get your stuff and come back and use my
9 phone and call your people to come and get you."

10 Q. And I guess what I want to know is he would have gone
11 out of his way to avoid seeing Rajshun and Frank in the
12 village at that point, don't you think?

13 A. I don't know.

14 Q. But he didn't want to see them, right?

15 A. I don't know. I --

16 Q. Because --

17 A. I just know what he had told me.

18 Q. Okay. And he was scared of them?

19 A. He was looking afraid that he had got into an argument
20 with the two.

21 Q. Okay.

22 A. I don't know what was said, what happened.

23 Q. Okay. All right. Thank you, Ms. Douglas.

24 A. Uh-huh.

25 THE COURT: Solicitor?

1 REDIRECT EXAMINATION BY MS. LESKANIC:

2 Q. Were you just trying to be a friend to "Slick" and help
3 him out?

4 A. Yeah, just trying to be a friend. I wasn't trying to
5 get into it; trying to help him out trying to get away.

6 Q. He came to you?

7 A. He came to me.

8 Q. And explained what he had --

9 A. What was going on.

10 Q. -- just gotten into it with Rajshun Foster and Frank
11 Dover?

12 A. Yes, ma'am.

13 Q. And it was to such an extent that you said "you can get
14 your stuff and come back up here and call to get out of the
15 village?"

16 A. Yes, ma'am.

17 Q. Thank you.

18 THE COURT: Anything at all?

19 MR. MORIN: No, sir.

20 MS. RACINE: No, sir.

21 THE COURT: Ma'am, you may step down. Please be
22 careful.

23 THE WITNESS: Uh-huh.

24 MS. LESKANIC: The State calls Rebi Tate.

25 THE CLERK: Please raise your right hand and place

1 your left hand on the Bible.

2 REBI TATE, having been first duly sworn, testified
3 as follows:

4 THE WITNESS: Yes, ma'am.

5 THE CLERK: Okay. Watch your step.

6 THE COURT: Ma'am, tell us your name and spell
7 your last name, please.

8 THE WITNESS: Rebi, last name Tate, T-A-T-E.

9 THE COURT: Thank you.

10 Solicitor.

11 MS. LESKANIC: Thank you, Your Honor.

12 DIRECT EXAMINATION BY MS. LESKANIC:

13 Q. Ms. Tate, were you living in Connecticut Village on
14 June 22nd of 2014?

15 A. Yes, ma'am.

16 Q. What apartment did you live in?

17 A. 6.

18 Q. Can you, looking at State's Exhibit 2, step down and
19 show the ladies and gentlemen of the jury where Apartment 6
20 is located? Watch your step.

21 (Witness off the witness stand).

22 A. There.

23 BY MS. LESKANIC:

24 Q. And in relation to that, where was Timothy Blair's body
25 found? Where was he shot that day?

1 A. Right here.

2 Q. Okay. So the apartment right next door to yours, is
3 that correct?

4 A. Yes, ma'am.

5 Q. Thank you. You may have a seat.

6 (Witness back on the witness stand).

7 BY MS. LESKANIC:

8 Q. Now, were you home at your apartment on June 22nd,
9 2014?

10 A. Yes, ma'am.

11 Q. Okay. And can you explain a little to the ladies and
12 gentlemen of the jury who was at your apartment, what you
13 were doing, and we will walk through what happened that day?

14 A. I was sitting outside fixing my baby's hair.

15 "Slick", that's Timothy Blair --

16 Q. Okay.

17 A. -- he walked off from up the street and he came out
18 there to see me and he had a cigarette. I asked him to sell
19 me a short on the cigarette, and before then -- after that
20 he took off and went to Terrica's house.

21 Q. And Terrica's house is Apartment **1**?

22 A. Yes, ma'am.

23 Q. And which way did he walk to go to her apartment?

24 (Witness off the witness stand).

25 BY MS. LESKANIC:

1 Q. He walks up to you. Which direction does he come from
2 to you get to your house?

3 A. He come up from that street.

4 Q. So he's walking down to your house?

5 A. Right there.

6 Q. Okay.

7 A. And he walked this way. This is his normal routine.

8 Q. Okay.

9 A. He walked.

10 Q. So is there space between the two buildings where he
11 could have walked a shorter distance?

12 A. Yes, right here.

13 Q. Okay. But he didn't go that way?

14 A. No, ma'am.

15 Q. Was that normal for him?

16 A. Yes, ma'am.

17 Q. Okay. Normal for him to walk all the way around?

18 A. To walk around.

19 Q. Okay. If you will stay right there. I'm going to show
20 you State's Exhibit 6, 7, 8, and 9. If you could take a
21 look at these and tell me if you recognize these?

22 A. Yes, ma'am.

23 Q. Okay. And what are these, without going into too much
24 detail?

25 A. My apartment building.

1 Q. Okay.

2 A. The side of my apartment building.

3 That's the side of my apartment building.

4 Q. Okay.

5 A. And that's the back of Terrica's building.

6 Q. Okay. And do these accurately show the layout at
7 Connecticut Village?

8 A. What do you mean by that?

9 Q. Does this accurately show where the buildings are
10 positioned and what it looks like at Connecticut Village?

11 A. Yes, ma'am.

12 MS. LESKANIC: Your Honor, at this time we would
13 offer State's Exhibit 6, 7, 8, and 9 for admission.

14 BY MS. LESKANIC:

15 Q. And I'm going to get you to stay right there.

16 A. Okay.

17 Q. Thank you.

18 MS. RACINE: No objection.

19 MR. MORIN: No objection.

20 THE COURT: Without objection, 6, 7, 8 and 9 are
21 in evidence.

22 (Whereupon, State's Exhibit No. 7 was entered into
23 the record as evidence).

24 (Whereupon, State's Exhibit No. 8 was entered into
25 the record as evidence).

1 (Whereupon, State's Exhibit No. 9 was entered into
2 the record as evidence)

3 MS. LESKANIC: May I publish, Your Honor?

4 THE COURT: Yes, ma'am.

5 BY MS. LESKANIC:

6 Q. Okay. Ms. Tate, I'm going to start with State's
7 Exhibit 6. Could you just tell the ladies and gentlemen of
8 the jury where your apartment is located and what they are
9 looking out here, give them an idea of --

10 A. Right here.

11 Q. So the door on the --

12 A. The left.

13 Q. Okay. So the left door there, that's your apartment,
14 number [REDACTED]?

15 A. [REDACTED].

16 Q. [REDACTED]. Thank you.

17 And where were you that day?

18 A. Sitting right here.

19 Q. Right at your door with your daughter?

20 A. Yes, ma'am.

21 Q. And who was out there with you, if you remember?

22 A. It was me, Chariece, a girl named Tye, and a couple
23 more people. I can't remember all of them.

24 Q. And while you were out there, that's when "Slick"
25 walked up from the roadway?

1 A. Yes, ma'am.

2 Q. And how long did he talk to you?

3 A. I think he -- we talked a little bit, smoke a cigarette
4 and sell me a short.

5 Q. Did you see Rajshun Foster?

6 A. Not at the beginning.

7 Q. What does that mean? Go ahead and tell us.

8 A. That means after we was talking, he sell me a short,
9 Rajshun pulled in right beside the trash can.

10 Q. Okay. He pulled in driving what?

11 A. A gray car. A gray Jeep Soul. I think that's what it
12 was.

13 Q. Jeep Soul?

14 A. Uh-huh.

15 Q. Okay. Was he alone or did he have someone with him?

16 A. "Red".

17 Q. "Red" was with him.

18 Do you know "Red's" real name?

19 A. No, ma'am.

20 Q. Okay. So "Slick" is at your apartment. Rajshun --

21 Do you see Rajshun Foster in the courtroom today? Do
22 you know him?

23 A. Yes, ma'am.

24 Q. Okay. Can you identify him for the court and the jury?

25 A. The yellow shirt.

1 Q. Okay.

2 MS. LESKANIC: Your Honor, if the record would
3 reflect she's identified Rajshun Foster?

4 THE WITNESS: So noted.

5 BY MS. LESKANIC:

6 Q. So Rajshun Foster and "Red" pulled down in a gray Soul
7 and parked beside the trash can?

8 A. Yes, ma'am.

9 Q. And "Slick" is at your apartment, along with Chariece
10 and Tye and a couple other people?

11 A. Yes, ma'am.

12 Q. What happened?

13 A. Rajshun get out of the car and they went to talking and
14 they were standing like right here.

15 Q. Who went to talking?

16 A. Rajshun was talking to "Slick".

17 Q. So Rajshun gets out of the car to approach "Slick"?

18 A. Yes, ma'am.

19 Q. And did you hear what they were talking about, or did
20 you pay it attention?

21 A. No, ma'am.

22 Q. Did you hear any part of the conversation?

23 A. Nothing but "stay out of it."

24 Q. I'm sorry?

25 A. Nothing but "stay out of it."

1 Q. Who said "stay out of it?"

2 A. Rajshun.

3 Q. Rajshun said it?

4 A. Yes.

5 Q. Said "stay out of it," or "Slick" said it to Rajshun?

6 A. "Slick" said it to Rajshun, my bad. "Slick" say, told
7 Rajshun to "stay out of it," and that was the end of the
8 conversation. That's all I heard.

9 Q. Okay. And then where did Rajshun go?

10 A. He walked back to his car.

11 Q. Okay.

12 A. And "Slick" walked this way.

13 Q. And did Rajshun stay there, or did he drive somewhere
14 else?

15 A. I think he just drove off, if I'm not mistaken.

16 Q. Did you pay attention to where he went?

17 A. No, ma'am.

18 Q. So he pulls down with "Red", gets out, says something
19 with "Slick", you are not really paying attention?

20 A. Yes, ma'am.

21 Q. "Slick" says "stay out of it?"

22 A. "Stay out of it."

23 Q. "Slick" starts to walk off?

24 A. And Rajshun walks to get in his car.

25 Q. And he drives off somewhere?

1 A. Somewhere. I don't know which way.

2 Q. All right.

3 What is the next thing that happened?

4 A. After that "Slick" went around the building and I
5 heard a --

6 Q. Let me show you State's Exhibit 9. Can you tell the
7 jury what we are looking at here?

8 A. This is the back of Terrica's building.

9 Q. Okay. So if you walk around the long side of the
10 building, where would "Slick" have been walking to get to
11 Terrica's apartment?

12 A. He walked like around this way to down -- Terrica
13 stayed at the end apartment.

14 Q. Okay. The very last apartment on the right?

15 A. Yes, ma'am.

16 Q. That's where he would have been walking?

17 A. Yes, ma'am.

18 Q. Okay. So he goes around the building and then what?

19 A. You hear a "waa" sound.

20 Q. And what was that?

21 A. I guess a gun, I guess.

22 Q. Okay. Loud?

23 A. It was loud, a loud noise.

24 Q. And what did you do?

25 A. Duck and told my little girl to get in the house and

1 the kids was saying somebody was running through the woods.
2 So when we got up to see, they was going through the woods
3 right here.

4 Q. Let me show you State's Exhibit 7. Will that show
5 where you saw someone?

6 A. They was running up through this path right here.

7 Q. How many people did you see running?

8 A. Two.

9 Q. And did you see them carrying anything?

10 A. Like a weapon.

11 Q. What did it look like?

12 A. The only thing I could see is the wood. It was
13 swinging.

14 Q. Okay.

15 A. The wood down there.

16 Q. So what color wood?

17 A. About like this color.

18 Q. Okay. Did it appear to be a short gun, like a pistol,
19 or a long gun?

20 A. It looked like a big gun.

21 Q. Big gun. Okay.

22 And you saw two people take off through the woods?

23 A. Yes.

24 Q. Running up through the woods.

25 Were you able to identify either one of them?

1 A. No, ma'am.

2 Q. All right. I'm going to show you State's Exhibit 8.

3 Looking at State's Exhibit 8, can you tell me there
4 where you came from and where Terrica's apartment is?

5 A. I come this way.

6 Q. Okay. And where was "Slick"?

7 A. Laying right over here.

8 Q. Okay. And where did you see -- is this -- where did
9 you see the people running?

10 A. On this hill.

11 Q. Okay. Thank you.

12 You can have a seat. I'll try not to make you stand
13 back down. You can sit it right up there, if you don't
14 mind.

15 (Witness back on the witness stand).

16 BY MS. LESKANIC:

17 Q. When you spoke with "Slick" that day, how did he appear
18 to you?

19 A. Kind of nervous.

20 Q. Okay. Different than he normally did?

21 A. Uh --

22 Q. Was he --

23 A. When he was walking away he paused like before he
24 stepped off the sidewalk.

25 Q. Okay. How much time have you spent with "Slick" in the

1 last few months leading up to the shooting?

2 A. I just know him from the neighborhood, not spending
3 much time with him.

4 Q. Okay. What was his normal personality?

5 A. He was a fun kind of guy, keeps you laughing.

6 Q. Was he laughing that day?

7 A. No, he wasn't laughing that day.

8 Q. So his demeanor seemed different?

9 A. Kind of, yes, ma'am.

10 Q. All right. And when you saw Rajshun get out of the car
11 and approach him, did you notice anything about facial
12 expressions or demeanor? I mean, did it seem like a
13 friendly conversation, or --

14 A. I really can't say, but, you know, face expressions, we
15 make them a lot, so I couldn't really tell what they was
16 talking about, period. So the only thing I heard was
17 "Slick" say "stay out of it."

18 Q. Anything about facial expressions? I'm sorry, I
19 didn't hear you.

20 A. I said, you know, when you are talking, you make facial
21 expressions, so I really couldn't tell like how he was --
22 what was going on.

23 Q. Okay. You couldn't tell if it was just a -- I mean,
24 did it seem like a friendly conversation, or did it seem
25 like they had an issue between each other?

1 A. I don't know.

2 Q. Okay. And you just saw Rajshun and "Red" in the gray
3 Soul, is that right?

4 A. Yes, ma'am.

5 Q. How long from the time that you saw "Slick" walk around
6 the building to when you heard the gunshot?

7 A. I would say like two or three minutes. That's what I
8 would say. I really don't know an exact time.

9 Q. It wasn't long? He walks around the building --

10 A. Yeah.

11 Q. -- and after that you hear the gunshot?

12 A. Yes, ma'am.

13 Q. Did you go around the back to check on "Slick"?

14 A. Yes, ma'am.

15 Q. What did you see when you walked around there --

16 A. Him laying --

17 Q. -- other than the two men running away?

18 A. Him laying on the ground, and I asked him was he all
19 right. He was trying to talk to me and blood was shooting
20 out of his mouth.

21 Q. Did you see Rajshun any more that day after the
22 shooting?

23 A. No, ma'am.

24 Q. What did you do after you went around the building and
25 saw "Slick"?

1 A. My nerves was tore up. I tried to talk to him, but
2 every time you tried to talk to him blood would come out of
3 his mouth, so I got scared and just took off.

4 Q. Back to your apartment?

5 A. I just run.

6 Q. Okay. Where did you go?

7 A. Around the village. My nerves was tore up.

8 Q. Okay. Thank you.

9 I think that's all the questions that I have.

10 Please answer any questions that the defense has.

11 CROSS EXAMINATION BY MR. MORIN:

12 Q. You -- you were sitting out there at your apartment,
13 right?

14 A. Yes, sir.

15 Q. That's the --

16 A. Do you want me to step down?

17 Q. Well, if you need to, but I'm going to just reiterate.
18 It's the third door. There is three doors --

19 A. It's right there.

20 Q. -- there on the building, right?

21 A. It's right here.

22 Q. Here is third one. There is two over here and if I'm
23 going to left to right?

24 A. It's right here.

25 Q. Right, that's your apartment and you are -- you are

1 sitting in the front of your door, which is the next door
2 over, right?

3 A. Yes, sir.

4 Q. All right. You have a chair out there?

5 A. Yes, I was fixing my baby's hair.

6 Q. How old is your child?

7 A. At the time she was like six.

8 Q. Okay. Is that the only child that you had at that
9 time?

10 A. Yes, at that time. I was trying to get rid of her too.

11 Q. Okay. Anybody else live there with you?

12 A. Just me and my kids.

13 Q. Okay. And Chariece Allen was there?

14 A. Yes, sir.

15 Q. Was she sitting with you?

16 A. She was coming up.

17 Q. Coming up?

18 A. She's like -- well, I don't have a picture.

19 Q. Okay.

20 A. She was coming -- we always sit in the front of my
21 house. You know, we have a good time.

22 Q. Right, she was coming up --

23 A. Yes.

24 Q. -- and she is either going to be standing or sitting
25 there by you?

1 A. Yes.

2 Q. Okay. And there was somebody -- actually some other
3 people there that were standing around too?

4 A. Yes, sir.

5 Q. Okay. Now, do you remember when you seen -- you saw
6 "Slick" walking?

7 A. He walked up to my apartment.

8 Q. Right.

9 Did he come around from where the --

10 Just out of curiosity, did he come from the road that
11 leads to East Junior High, or did he just come straight
12 down? You see what I'm saying?

13 A. He was -- yes, sir. He was coming from off the street.
14 He had done bought a cigarette.

15 Q. Go ahead and show them which direction.

16 A. Down there.

17 Q. He was coming down there?

18 A. Yes.

19 Q. Okay. And could you see him when he was coming from a
20 little ways off, or --

21 A. No, I didn't see him until he got up on me.

22 Q. Okay. The sidewalk?

23 A. Yes.

24 Q. Okay.

25 He walks up to you and y'all talk, right?

1 A. Yes, he was talking about the movies.

2 Q. All right. Talking about smoking too?

3 A. Yes.

4 Q. What were you smoking?

5 A. Weed.

6 Q. Smoking weed.

7 And how long did that conversation go on?

8 A. He smoked a cigarette and he saved me a short.

9 Q. You say what?

10 A. We smoked a cigarette --

11 Q. Right.

12 A. -- and I asked him for a short on his cigarette.

13 After asking for a short on the cigarette, he told me
14 he would be back. He was going to get the weed so we could
15 roll it up so we could smoke.

16 Q. All right.

17 Now, just to make sure I'm clear, he was going to get
18 some weed and the paper, or just the rolling paper?

19 A. I don't know nothing about no rolling paper. He told
20 me weed.

21 Q. Okay. He was going to get the weed?

22 A. Weed, yes, sir.

23 Q. And y'all were going to smoke some more weed?

24 A. Yes.

25 Q. Now, you and Chariece and maybe some of the other

1 people at the house?

2 A. Yes, sir, there was a good bit of us out there.

3 Q. Okay. Were you working anywhere then?

4 A. No, I don't think so.

5 Q. All right.

6 So "Slick" had some weed he was going to share it with
7 everybody?

8 A. Yes.

9 Q. Okay. Chariece Allen, she had a child too, didn't she?

10 A. I think she had -- yeah, one at the time.

11 Q. Was she out there too?

12 A. Yeah, Chariece was out there.

13 Q. Okay. Now -- so "Slick" --

14 So then Mr. Foster shows up?

15 A. Yes, right before he walked off.

16 Q. Okay. And then "Slick" walked over to where he was,
17 right?

18 A. No. Rajshun walked --

19 Q. Rajshun walked.

20 A. -- walked to "Slick".

21 Q. Right. But by that time, correct me if I'm wrong,
22 because I'm trying to get these times straight --

23 A. Okay.

24 Q. -- "Slick" was all the way down where you were talking
25 about, you know, smoking weed?

1 A. We was right here.

2 Q. Right.

3 Let me -- maybe this would be a little better. I just
4 wanted to get that part.

5 Here we go. How about this one?

6 A. He walked up. He was right up there.

7 Q. They were all right there?

8 A. Okay. He walked up.

9 Q. All right.

10 A. He talked for a little bit.

11 Q. Did Rajshun walk all the way down there to where y'all
12 were, or --

13 A. No, because "Slick" was leaving and I think -- because
14 he wanted to get the weed.

15 Q. Sort of they arrived at the same time?

16 A. Yeah, like he was leaving and Rajshun --

17 Q. Okay.

18 A. -- pulled up.

19 Q. He talked to him and then he went on to walk to **1** to
20 get the weed?

21 A. Yes, sir. Rajshun walked to his car.

22 Q. Correct.

23 Now, after he walked off to get the weed and Rajshun
24 went to his car, Rajshun drove off, is that right?

25 A. Yes, sir.

1 Q. Let me make sure I got this.

2 He drove off before you heard any "waa"?

3 A. Yes, sir.

4 MR. MORIN: Just a moment, Your Honor.

5 (Off the record).

6 (Back on the record).

7 BY MR. MORIN:

8 Q. Chariece lived in the building -- that's Building J, I
9 think it is, right?

10 A. I don't know. I just know the number.

11 Q. 52, 53, 54, 55, 56, 57 in that building?

12 A. Yes, and then on down the hill there is another
13 building.

14 Q. And that's where Chariece lived?

15 A. Yes.

16 Q. Right?

17 A. (Shaking head yes).

18 Q. Okay.

19 MR. MORIN: That's all the questions that I have.

20 THE COURT: Yes, ma'am.

21 MS. RACINE: Thank you, Your Honor.

22 May it please the court.

23 CROSS EXAMINATION BY MS. RACINE:

24 Q. Hey.

25 A. Hey.

1 Q. Just a few questions for you.

2 You said that y'all were out there smoking weed?

3 A. No, we wasn't smoking sitting in front of the door.

4 "Slick" was supposed to come and smoking.

5 Q. And then he left to go get some marijuana?

6 A. Yeah, they kind of like split at the same time.

7 Q. Okay. And then Rajshun pulled in?

8 A. No, Rajshun pulled in before "Slick" walked off.

9 Q. Oh, all right.

10 So Rajshun got out and walked toward "Slick" and then

11 "Slick" walked toward him?

12 A. They were having a conversation.

13 Q. Okay. Did "Slick" hesitate to go towards Rajshun,

14 or --

15 A. No.

16 Q. He just walked right up to him?

17 A. Yes, because they was friends.

18 Q. Okay. All right.

19 And you said that you didn't hear anything except for

20 "Slick" say "stay out of it?"

21 A. Yes, ma'am.

22 Q. So you could see them the whole time, is that right?

23 A. Yes, ma'am.

24 Q. Couldn't necessarily hear what was said?

25 A. Yes, ma'am.

1 Q. Okay. Did you see Rajshun make any kind of aggressive
2 action towards "Slick"?

3 A. No, ma'am.

4 Q. No pushing?

5 A. No, ma'am.

6 Q. No hitting?

7 A. No, ma'am.

8 Q. Nothing like that?

9 A. No, ma'am.

10 Q. Okay. How did this seem when they parted? Did they --

11 A. Like he felt a little nervous, you know.

12 Q. Okay.

13 A. And he said -- before he stepped off the sidewalk, it's
14 like "I'm all right," but I could tell he was nervous
15 because he paused before he stepped down.

16 Q. Okay. But he still went up to Rajshun willingly and
17 talking for a few minutes then?

18 A. Yes, ma'am.

19 Q. And I believe, Ms. Tate, you made two statements to the
20 police in this case, is that right?

21 A. I wrote one and the detective wrote one.

22 Q. Okay. And do you happen to remember your phone number
23 that you would have put on your police statement?

24 A. Not at the moment, no, ma'am.

25 Q. Would it help if you had an opportunity to review your

1 statement?

2 A. I don't know. Well, I can review the phone number.

3 Q. Okay. All right.

4 MS. RACINE: May I approach, Your Honor?

5 THE COURT: Yes, ma'am.

6 BY MS. RACINE:

7 Q. Ms. Tate, if you will just take a minute to look at
8 that. Your phone number.

9 A. Oh, yes, ma'am.

10 Q. And do you now know your phone number that you put on
11 there?

12 A. This was about --

13 Q. Could you just read that?

14 A. Phone number?

15 Q. Yes, ma'am.

16 A. [REDACTED] 0251.

17 Q. And that's the phone number you had at the time, on the
18 day that this happened?

19 A. Yes, ma'am.

20 MS. RACINE: No further questions.

21 THE COURT: Yes, ma'am, anything?

22 MS. LESKANIC: Yes, Your Honor.

23 REDIRECT EXAMINATION BY MS. LESKANIC:

24 Q. Ms. Tate, when Rajshun and "Red" left, do you know
25 where they went? They left the building to go deeper into

1 the village?

2 A. I don't know.

3 Q. Did you pay attention?

4 A. I don't know if they left or if they --

5 Q. Okay. You just didn't pay attention to them?

6 A. No, ma'am.

7 Q. Okay. Now, did you receive or make -- let me ask you
8 this.

9 Did you know Frank Dover back on June 22nd, 2014?

10 A. Yes, ma'am, I went to school with him.

11 Q. Did you talk to him the day of the shooting?

12 A. I called him for some weed earlier.

13 Q. And was there a decision made on that? You called
14 Frank to see if he could get you some weed?

15 A. Well, I needed him to get me a couple things. They
16 didn't have none of it.

17 Q. I'm sorry?

18 A. At the time he said he didn't have any.

19 Q. Okay. Were there any more phone calls between you and
20 Frank Dover that day?

21 A. There was a phone call made, but I haven't talked to
22 him. Say -- tell him to keep his name --

23 Q. Wait --

24 THE COURT: Hang on. Hang on.

25 MS. LESKANIC: May we approach a minute?

1 THE COURT: Yes.

2 (Whereupon, the lawyers approached the bench for
3 an off-the-record discussion)

4 BY MS. LESKANIC:

5 Q. Sorry, Ms. Tate, I didn't mean to interrupt you.

6 What was that second -- you received a phone call from
7 Frank Dover?

8 A. Yes, ma'am.

9 Q. And what was said on that phone call?

10 A. "Tell him to keep -- "tell Shamar to keep my name out
11 of his mouth."

12 Q. "Tell Shamar." Who is Shamar?

13 A. It's my cousin. He stays down there.

14 Q. Okay. And who was he related to?

15 A. Nakisha Love and I guess Sharie Studyvance. Charie
16 Studyvance.

17 Q. Okay. So Shamar is related to Charie Studyvance and
18 Nakisha Love?

19 A. Yes.

20 Q. And you received a phone call from Frank Dover saying
21 "tell Shamar --

22 A. " -- to keep his name out of his mouth."

23 Q. "To keep my name," being Frank's name?

24 A. Yes.

25 Q. -- out of their mouth"?

1 A. Yes.

2 Q. So you made a phone call to him at one point during the
3 day asking for weed?

4 A. For weed.

5 Q. Okay. How many phone calls were there between you and
6 Frank on this day?

7 A. Only one I can remember is the one and the receiving
8 phone call.

9 Q. All right.

10 MS. LESKANIC: I think that's all the questions.

11 Thank you.

12 THE COURT: Anything?

13 MR. MORIN: No questions.

14 MS. RACINE: No, sir, no questions.

15 THE COURT: Ma'am, you may step down. Please be
16 careful.

17 THE WITNESS: Okay.

18 THE COURT: The State calls Chariece Allen.

19 THE CLERK: Please raise your right hand and place
20 your left hand on the Bible.

21 CHARIECE ALLEN, having been first duly sworn,
22 testified as follows:

23 THE WITNESS: Yes.

24 THE CLERK: Watch your step.

25 THE COURT: Ma'am, tell us your name and spell

1 your last name for my court reporter, please.

2 THE WITNESS: Chariece Allen, A-L-L-E-N.

3 THE COURT: A little louder.

4 THE WITNESS: Chariece Allen, A-L-L-E-N.

5 THE COURT: Thank you, Ms. Allen.

6 Solicitor.

7 MS. LESKANIC: Thank you, Your Honor.

8 DIRECT EXAMINATION BY MS. LESKANIC:

9 Q. Good afternoon, Ms. Allen.

10 I want to take you back to June 22nd, 2014. Did you
11 live in Connecticut Village at the time?

12 A. Yes.

13 Q. What apartment did you live in?

14 A. 7.

15 Q. Looking at State's Exhibit 2, would you be able to
16 identify which apartment you lived in?

17 You can step down, if you need to.

18 (Witness off the witness stand).

19 A. This apartment right there.

20 BY MS. LESKANIC:

21 Q. Okay. It's the first one?

22 Now, Rebi Tate is here?

23 A. Uh-huh.

24 Q. Okay. And you are here?

25 A. Uh-huh.

1 Q. Okay. And that was Apartment --

2 A. 7.

3 Q. 7.

4 (Witness on the witness stand).

5 BY MS. LESKANIC:

6 Q. Were you home on June 22nd --

7 A. Yes.

8 Q. -- 2014. Okay.

9 What were you doing that day?

10 A. I was sitting outside at Rebi's house.

11 Q. Okay. So you went over to Rebi's?

12 A. Uh-huh.

13 Q. And who was there?

14 A. It was me, Rebi, and a couple more people.

15 Q. Okay. Did you see Timothy Blair, "Slick"?

16 A. Yes.

17 Q. When did you see him?

18 A. After I had came back home -- I mean, after I -- I had
19 left my house and I walked back up to Rebi's house.

20 Q. Okay. So were you at Rebi's house and left and came
21 back?

22 A. Yeah, I was back and forth like, because I had to use
23 the bathroom or something. I don't know what I had to do,
24 but I had went home and then I came back and then he walked
25 up.

1 Q. Okay. Were you pregnant at the time?

2 A. Uh-huh.

3 Q. Okay. So you were going to the bathroom a good bit,
4 which is kind of between your house and Rebi's?

5 A. Uh-huh.

6 Q. All right.

7 A. Yes, ma'am.

8 Q. Thank you.

9 All right. So did you ever see Rajshun Foster while
10 "Slick" was out there, while Timothy Blair was at Rebi's?

11 A. No.

12 Q. Okay. What did you see while you were at Rebi's?

13 A. I didn't even see nothing. I just -- we was talking to
14 him, Timothy Blair, or whatever. He was talking back. We
15 asked did have a blunt paper, or whatever, and he said yeah.
16 He was going to get it and that was it. That's all I know.

17 Q. Okay. So when you got there was Timothy getting ready
18 to leave?

19 A. He was there for like five minutes. Like I said, we
20 had -- they was talking and I was just out there, you know
21 what I'm saying? I wasn't really having, you know, a
22 conversation with nobody. They asked for a blunt paper and
23 he said he was going to go get it and that was it.

24 Q. All right. But you didn't see Rajshun Foster pull up
25 at that point?

1 A. Uh-uh.

2 Q. Do you know Rajshun Foster?

3 A. Uh-huh.

4 Q. How do you know him?

5 A. I just know him, because at Gaffney. I mean, Gaffney
6 is small. I just know him.

7 Q. Okay. Do you see him in the courtroom today?

8 A. Yes.

9 Q. Could you identify him for the jury and the court?

10 A. He's over there in the yellow shirt.

11 Q. Okay.

12 MS. LESKANIC: Your Honor, I would like the record
13 to reflect she's identified Rajshun Foster.

14 THE COURT: So noted.

15 MS. LESKANIC: Thank you.

16 BY MS. LESKANIC:

17 Q. Okay. So when you saw "Slick" --

18 Had you seen him a lot in the village while he stayed
19 around there and while you were there?

20 A. Yes.

21 Q. How did he normally appear?

22 A. Normal, like he was like a normal dude that talked junk
23 all the time, but cool, you hear what I'm saying?

24 Q. Good mood? Bad mood? What kind of personality?

25 A. He -- he was -- when I -- I didn't really know him like

1 that to be like just up his face and talking to him having a
2 whole conversation with the man. I knew him because he
3 walked around the village and he was talking to a couple
4 people down there in the village, but I don't know him
5 personally. But every time I did see him, he was -- he
6 wasn't -- he was jolly, you hear what I'm saying? He was
7 cool.

8 Q. How did he appear on June 22nd when you saw him?

9 A. Nervous.

10 Q. What do you mean by nervous? What does a nervous
11 person look like?

12 A. Like you got something on your mind and you are worried
13 about it. Like -- have you ever been around somebody and
14 they act like they are fidgety, like they got something on
15 their mind, but they don't want to talk about it.

16 Q. Okay. And that's the way he appeared to you?

17 A. To me.

18 Q. All right.

19 So what do you -- so where does he go? Where is
20 everybody kind of standing and what happened?

21 A. I was standing like on the sidewalk in front of Rebi's
22 house.

23 Q. Okay.

24 A. They was all standing in the back. Everybody was
25 standing everywhere, but I was standing on the sidewalk

1 like.

2 That's a good picture.

3 Q. Close to Rebi's door, or farther near the parking lot?

4 A. Not -- I wasn't -- I was farther to the parking lot,
5 but I wasn't all the way to the parking lot. I was like in
6 the middle in that walkway right there, but I wasn't close
7 to the door.

8 Q. Okay. All right.

9 I'm going to show you State's Exhibit 10 and 11 to see
10 if you recognize these.

11 A. Yes, but I was standing up a little farther. I wasn't
12 standing this close to the door. I was standing a little
13 farther up.

14 Q. Okay. Well, what do these photographs show?

15 A. They show the area the man was standing in and Rebi's
16 door.

17 Q. Okay.

18 MS. LESKANIC: Your Honor, at this time I would
19 like to offer State's Exhibit 10 and 11 for admission.

20 MR. MORIN: No objection.

21 MS. RACINE: No objection.

22 THE COURT: State's 10 and 11 without objection.

23 (Whereupon, State's Exhibit No. 10 was entered
24 into the record as evidence).

25 (Whereupon, State's Exhibit No. 11 was entered

1 into the record as evidence)

2 BY MS. LESKANIC:

3 Q. Okay. Ms. Allen, when you were at Rebi's what did you
4 see?

5 A. Well, I was standing outside and I looked up, or
6 whatever. I was just looking up, you know, just looking
7 around. When I turned around I seen a man on the side of
8 the building with a gun and some gloves and a mask, but I
9 can't identify nobody because I didn't see his face.

10 Q. Okay. That's a lot of information.

11 On the side of what building did you see the man?

12 A. On the side of that building over here in front of this
13 white jeep thing, on the side.

14 I seen him on the side of that building. On the side
15 of it, though, do you understand?

16 Q. All right. Let me show you State's Exhibit 8.

17 A. Like I was just standing right here.

18 Q. Let me show you State's Exhibit 8 that's been put into
19 evidence. Can you tell from this photograph where you saw
20 the person?

21 A. Right here.

22 Q. All right. And is that the corner of Apartment **1**?

23 A. Yes.

24 Q. Terrica Bonner's apartment?

25 A. Yes.

1 Q. All right. Now, when you saw --

2 Tell the jury what you saw on the side of that
3 building.

4 A. I saw a man standing there with a shotgun, a long gun.
5 I don't know if it was a shotgun or not, but it was a long
6 gun and it was black, with a mask and gloves on. I did see
7 a man, but I can't identify him. I didn't -- I don't know
8 who he was.

9 Q. Okay. What kind of gloves did the man have on?

10 A. He had on some working gloves, like the cleanup gloves,
11 the clearest kind.

12 Q. Like a latex doctor's gloves, or a leather glove?

13 A. Latex doctor's glove.

14 Q. Okay. And State's Exhibit 10, can you tell the jury
15 what we are looking at here?

16 A. That's Rebi's front door. That's the side of the
17 building right there.

18 Q. Okay. And you were at Rebi's when you saw him on the
19 side of the building?

20 A. Yes.

21 Q. And State's Exhibit 11?

22 A. That's the corner of the -- of Terrica's house where I
23 saw the man standing there at.

24 Q. Okay. And where were you?

25 A. I was over that way, but if you actually go out there,

1 it's not that close. Like I guess that's how the camera is.
2 I was standing back off in there, but I could see over this
3 way.

4 Q. Okay. But you were in that direction and that's how
5 you were able to see the side of the building?

6 A. Uh-huh.

7 Q. Okay. Now, when you saw the man on the side of the
8 building, where was "Slick"? Where was Timothy Blair at
9 that point?

10 A. He had already walked around the building.

11 Q. Were you able to say anything or warn anybody, or what
12 did you do when you saw him?

13 A. I told them there was a man on the side of the
14 building, but wasn't nobody paying me no attention, and I
15 wasn't about to be out there yelling and hollering.
16 Carrying on, because he got a gun over there. I don't know
17 what he got capable of doing, so -- and I'm pregnant. I
18 wasn't doing all that.

19 Q. Okay. Well, how soon did you hear a shot go off?

20 A. Maybe a minute.

21 Q. Okay.

22 A. A couple seconds after -- after he walked around --
23 after he walked from over there, it was like a minute or
24 seconds -- a couple seconds.

25 Q. Okay. A couple seconds from the time that "Slick" went

1 around the building to when you -- or from when you saw the
2 man?

3 A. From when I saw the man.

4 Q. Okay. You saw --

5 A. It all happened so fast, like he walked around the
6 building, I look up, I see a man and then boom, he shot.
7 That's how it happened.

8 Q. All at one time?

9 A. All at one time. It was -- it was -- it was -- I mean,
10 I don't know. I can't tell you no time frame, because I
11 wasn't timing it, but he walked away. He went around the
12 building and boom, he got shot.

13 Q. Okay. Did you see where the man went after the
14 shooting, or what did you do after the shot?

15 A. No, after that my nerves are tore -- I told you I'm
16 pregnant, so my nerves was shot like. I think I went home.
17 Well, I did go around there after the fact and then I walked
18 back around and I seen Rajshun sitting in the front -- in
19 front of the trash can and I told him his friend was back
20 there laying on the ground and he just looked at me and left
21 out of the village and that was it.

22 Q. Okay. So after the shooting --

23 Looking at State's Exhibit 6, will that show you where
24 you saw Rajshun?

25 A. Uh-huh.

1 Q. Where did you see -- and this is after the shot was
2 fired?

3 A. (Shaking head yes).

4 Q. Is everybody kind of running to the back of the
5 building?

6 A. Yeah, everybody was looking and seeing what was going
7 on, but I had walked around from here and he was parked
8 right here, because my apartment is in front of this trash
9 can down the steps. I was walking past him right here.

10 Q. Okay. And why did you tell him?

11 A. That was his home boy.

12 Q. How did he react when you told him that "Slick" had
13 been shot?

14 A. He didn't have no reaction.

15 Q. And what did he do?

16 A. He just left out of the village.

17 Q. Was anyone with him in the car?

18 A. (Shaking head yes).

19 Q. Who was with Rajshun?

20 A. "Red".

21 Q. Do you know who "Red" is?

22 A. I don't know him personally, but I know him because of
23 Gaffney.

24 Q. Do you know his real name?

25 A. No.

1 Q. Okay. That's fine.

2 So Rajshun didn't get out of the car and go over and
3 check on "Slick"?

4 A. (Shaking head no). He left.

5 Q. And drove out of the village? You saw him pull out of
6 the village, not back into the village?

7 A. No.

8 Q. That's are all the questions that I have.

9 Please answer any questions that the defense may have.

10 THE COURT: Yes, sir.

11 CROSS EXAMINATION BY MR. MORIN:

12 Q. Ms. Allen --

13 A. Yes, sir.

14 Q. -- when you were living there in 7, right?

15 A. Yes, sir.

16 Q. Who lived there with you?

17 A. Me and my daughter.

18 Q. How old was she?

19 A. She was three, or two.

20 Q. She was two or three?

21 A. She was somewhere up in there.

22 Q. Right.

23 And you were pregnant with another child?

24 A. Yes.

25 Q. And you went out there that day. Rebi was sitting out

1 with other people?

2 A. Yes.

3 Q. And Mr. Blair walks up and y'all talked a little bit
4 and he's going to get some marijuana and smoke it?

5 A. Yeah, that, or a blunt, one of the two.

6 Q. Okay. Had you smoked marijuana with Mr. Blair before?

7 A. Have I --

8 Q. Yeah.

9 A. -- smoked? No.

10 Q. Okay.

11 Now, if I understand you correctly, this is in front of
12 Rebi's house?

13 A. Yes.

14 Q. I mean, this is right in front of her door? You
15 weren't -- I think you testified you were further out onto
16 the sidewalk, because there's a sidewalk that runs --

17 Let's see if I can find it on this.

18 A. Right here. You can see it. I was standing like in
19 this area right here.

20 Q. Yes.

21 A. In this area right here.

22 Q. Right, towards the -- towards the parking lot some, not
23 right at the building?

24 A. Yes, sir, it was towards the parking lot some, but that
25 was right there where I could see straight from there.

1 Q. I see.

2 Now, when Rajshun pulls up and got out and walks over
3 to "Slick" and starts talking, do you remember that?

4 A. No.

5 Q. You don't remember that?

6 A. No.

7 Q. Okay. So the only time that you saw Rajshun and "Red"
8 was, and correct me if I'm wrong, after the shooting?

9 A. (Shaking head yes).

10 Q. They weren't parked there before the shooting?

11 A. Uh-uh.

12 Q. Okay.

13 Do you remember how long it took after the shooting
14 from the time that you heard it to when the police got
15 there?

16 A. It took about fifteen minutes to get there.

17 Q. Fifteen?

18 A. About fifteen, twenty minutes, uh-huh.

19 Q. Okay.

20 MR. MORIN: That's all the questions that I have.

21 CROSS EXAMINATION BY MS. RACINE:

22 Q. Ms. Allen, you stated earlier that you heard the shot?

23 A. Uh-huh.

24 Q. Did you go around the building to see what had
25 happened? I might have missed that earlier.

1 A. Uh-huh.

2 Q. You did. You went behind Terrica's --

3 A. Uh-huh.

4 Q. -- apartment?

5 THE COURT: Ma'am, is that a yes?

6 A. Yes, ma'am.

7 THE WITNESS: I mean, yes, sir, I'm sorry.

8 A. Yes.

9 BY MS. RACINE:

10 Q. Okay. How long did you stay there with him?

11 A. Oh, I didn't stay there that long --

12 Q. Okay.

13 A. -- because my nerves -- like I say, my nerves was tore
14 up. I don't want to sit there and look at nobody like that.

15 Q. I understand that.

16 But then when you left, did you go all the way around
17 that building, or did you go through the cut-through between
18 Terrica's building and Rebi's building?

19 A. I cut through -- I came around the building and walked.
20 My apartment is right here. It's right behind this trash
21 can.

22 Q. That's your apartment behind the trash can?

23 A. Right behind the trash can, so I had to walk through
24 the parking lot to get to my house.

25 Q. So was it pretty chaotic over there? Were there people

1 running?

2 A. Yeah, it was -- it was -- it was a lot of people
3 outside that day.

4 Q. Okay. People coming everywhere?

5 A. People coming everywhere.

6 Q. And when all that was happening, shots had been fired,
7 people ran around, and Rajshun just was sitting there in
8 that car?

9 A. Yeah, he was just sitting there looking.

10 Q. Okay. So --

11 A. When I walked up, he was just sitting there looking.

12 Q. How long would you say after the shots were fired was
13 it until you walked up and talked to Rajshun?

14 A. It was about ten minutes.

15 Q. Ten minutes?

16 A. About five or ten minutes, uh-huh, because, like I say,
17 I walked around there.

18 I didn't walk around to the back when he first got
19 shot, no. We waited. Then we was like what was that and
20 then we ran around. I did. I didn't run around until
21 later. I didn't go around there right when it happened.

22 Q. Okay. But then --

23 A. Then when I walked around and I came back, he was
24 sitting in the front right there.

25 Q. Okay. So about five to ten minutes after you heard the

1 shot you walked around and told Rajshun what had happened?

2 A. Yes, ma'am.

3 Q. No further questions. Thank you, ma'am.

4 A. Yes, ma'am.

5 MS. LESKANIC: Briefly.

6 REDIRECT EXAMINATION BY MS. LESKANIC:

7 Q. Ms. Allen, were you at Rebi's all afternoön, or were
8 you going back and forth?

9 A. I was going back and forth.

10 Q. All right. Is it possible that Rajshun was there and
11 talked to "Slick" at some point when you were not there?

12 A. It's possible.

13 Q. And is it possible that it was less than five or ten
14 minutes from the time that you saw "Slick's" body until you
15 saw Rajshun? Were you timing this, or was it --

16 A. I wasn't timing it, but I -- I don't know -- I don't
17 know.

18 Q. Okay. Had you ever seen someone shot and killed
19 before?

20 A. No.

21 Q. Okay. And you had walked around there and seen "Slick"
22 dying or dead?

23 A. Yes.

24 Q. And after you saw him, you went back to your apartment?

25 A. (Shaking head yes).

1 Q. Did you stay around there for a long time to look at
2 him?

3 A. Uh-uh.

4 Q. Okay. So pretty quickly to see what had happened and
5 you --

6 A. Yes.

7 Q. Where was your two or three-year old daughter?

8 A. She was gone.

9 Q. Staying with someone else?

10 A. She was -- I think she might have been with her daddy,
11 or something.

12 Q. Okay. And you went back to your apartment. On your
13 way back to the apartment is where you saw Rajshun?

14 A. Yes.

15 Q. And how did you meet "Slick"? Who introduced you to
16 him?

17 A. I mean, whenever my cousin got there. "Shawn Fawlk"
18 came over there and he was with him. I mean, he ain't
19 introduced me to him, but, I mean, that's the first time I
20 saw him.

21 Q. So the first time that you met "Slick", it was with
22 "Shawn Fawlk"?

23 A. (Shaking head yes).

24 Q. And that's why you told him "Slick" had been shot?

25 A. Yes, ma'am.

1 Q. Thank you very much.

2 MR. MORIN: Nothing further.

3 MS. RACINE: No further questions.

4 THE COURT: Ma'am, you may step down. Please be
5 careful.

6 MS. LESKANIC: The State calls Dennis Gardner.

7 THE CLERK: Please raise your right hand and place
8 your left hand on the Bible.

9 DENNIS GARDNER, having been first duly sworn,
10 testified as follows:

11 THE WITNESS: I do.

12 THE CLERK: Watch your step.

13 THE COURT: Sir, tell us your name and spell your
14 last name for the court reporter, please.

15 THE WITNESS: Dennis Gardner, G-A-R-D-N-E-R.

16 THE COURT: Thank you.

17 Solicitor.

18 MS. LESKANIC: Thank you.

19 DIRECT EXAMINATION BY MS. LESKANIC:

20 Q. Mr. Gardner, where are you employed?

21 A. Cherokee County 911.

22 Q. And how long have you been employed there?

23 A. Almost nine years.

24 Q. And what are your general duties?

25 A. I am the director. I oversee all operations of

1 Cherokee County 911.

2 Q. And when -- can you explain to the jury what happens
3 when a 911 call is made? What documents are produced with
4 that call?

5 A. Okay. At the second that the telephone rings, our
6 recorders kick in with the telephone. And as soon as we
7 pick up, we also document and a time is stamped and recorded
8 on our CAD system. The two times coordinate and we record
9 verbal and all written documents for any call that comes in.

10 Q. Okay. I'm going to show you what's been marked State's
11 Exhibit 12.

12 MR. MORIN: No objection.

13 MS. RACINE: No objection.

14 BY MS. LESKANIC:

15 Q. I will ask you to take a look at that.

16 A. Yes, ma'am.

17 Q. And do you recognize that?

18 A. Yes, ma'am, this is from our Tiberon, which is our old
19 CAD system. This is a CAD sheet, very commonly what we use
20 every day.

21 Q. All right. And what date was that CAD sheet created?

22 A. It looks like August the 22nd, 2014.

23 Q. August?

24 A. Maybe June -- I don't have my glasses. I'm sorry.

25 Q. Okay, I'm sorry.

1 A. That's either an 8 or a 6.

2 Q. Mine might help you, I don't know.

3 A. Yes, ma'am, June 22nd, 2014.

4 Q. Okay. Now, is this a CAD --

5 What is a CAD sheet?

6 A. CAD is computer automated dispatching, which means
7 everything that we record is in our CAD system and this is
8 just a printout of that report.

9 Q. Okay. And is that a printout from this case that was
10 made on June 22nd of 2014?

11 A. Yes, ma'am.

12 Q. And does that tell you what time the 911 call came in?

13 A. Yes, ma'am, the call was answered at 16:59:43.

14 Q. Okay. Is that 4:59?

15 A. Yes, ma'am.

16 Q. 4:59 p.m. is when the call was placed to 911 in this
17 case?

18 A. Yes, ma'am.

19 Q. Okay. Is everything on that document accurate and kept
20 in the normal course of business by 911?

21 A. Yes, ma'am, it's our normal practice.

22 Q. Okay.

23 MS. LESKANIC: Your Honor, at this time I would
24 offer State's Exhibit 12 for admission.

25 MR. MORIN: No objection.

1 MS. RACINE: No objection.

2 THE COURT: Without objection, State's 12.

3 (Whereupon, State's Exhibit No. 12 was entered
4 into the record as evidence)

5 BY MS. LESKANIC:

6 Q. Okay. Let me just ask you. What is the difference in
7 the call answered and the created box?

8 A. Okay. The second the phone rings and it starts, our
9 dispatcher may have to take a few seconds to start putting
10 the call in.

11 The CAD system does automatically open to the screen.
12 Our phone system opens. We have got -- and we have to
13 manually touch a button to make a screen pop up and we start
14 filling in. So the call time may be a little earlier than
15 the created time. That's when the dispatcher actually
16 starts putting the information into the system.

17 Q. Okay. But the -- let me read it correctly. The call
18 answered --

19 A. Uh-huh.

20 Q. -- that is the most accurate time for what time the 911
21 call was made?

22 A. Yes, ma'am.

23 Q. Would be 4:59:43?

24 A. Yes, ma'am.

25 Q. Okay. Thank you very much.

1 A. Yes, ma'am.

2 MS. LESKANIC: I think that's all the questions
3 that I have.

4 MR. MORIN: No questions.

5 MS. RACINE: No questions for this witness.

6 THE COURT: All right, sir, you may step down.
7 Please be careful.

8 THE WITNESS: Thank you, sir.

9 THE COURT: Mr. Foreman, ladies and gentlemen, we
10 would normally break here at about 3:30, but we started a
11 few minutes early, so we have been running about ninety
12 minutes, as I promised, I don't try to go more than ninety
13 minutes, or so, and the next witness would certainly last
14 more than eight or ten minutes.

15 With that we are going to take the afternoon
16 break. This would be a good solid fifteen minute break for
17 you. Stretch your legs.

18 I didn't ask earlier, is there a smoker on the
19 jury? And would you like to smoke?

20 UNKNOWN JUROR: Yes, please.

21 THE COURT: Okay. I wish you would quit, but
22 that's your business.

23 The bailiffs will have to carry you out. There is
24 a designated smoking area. There is no smoking in the
25 courthouse. There is a bailiff I think that smokes and he

1 will go out with you outside. It's probably outside the
2 steps where you came in down at the foot of the steps there,
3 so they have to stay with you while you smoke.

4 Don't anybody talk about the case, but get some
5 water, whatever you might need. Just let us know.

6 Mr. Foreman.

7 (The following takes place outside the presence of
8 the jury panel)

9 THE COURT: Let's take about fifteen minutes and
10 refresh ourselves and we will run to the end of the day.

11 (Whereupon, proceedings were recessed)

12 (Whereupon, proceedings were reconvened).

13 (Photograph marked as State's Exhibit No. 29 for
14 identification)

15 THE COURT: Tell you what I'm going to do. Let's
16 make these both court's exhibits.

17 (Jury Note marked as Court's Exhibit No. 1 for
18 identification).

19 (Jury Note marked as Court's Exhibit No. 2 for
20 identification)

21 THE COURT: We got everybody?

22 MS. LESKANIC: Yes.

23 THE COURT: All the jurors?

24 THE BAILIFF: Yes, sir.

25 THE COURT: We are ready.

1 (The following takes place in the presence of the
2 jury panel)

3 THE COURT: Mr. Foreman, ladies and gentlemen, let
4 me re-emphasize that you are not to take any notes. Please
5 don't anyone make any notes during the trial of this case.
6 Okay. Thank you.

7 Ready, solicitor?

8 MS. LESKANIC: Yes, Your Honor.

9 The State calls Dr. Janice Ross.

10 THE COURT: All right, Dr. Ross.

11 THE CLERK: Please raise your right hand.

12 DR. JANICE ROSS, having been first duly sworn,
13 testified as follows:

14 THE WITNESS: I do.

15 THE CLERK: Watch your step.

16 THE COURT: Doctor, tell us your full name and
17 spell your last name for my court reporter, please.

18 THE WITNESS: Janice Edwards Ross, R-O-S-S.

19 THE COURT: Thank you, doctor.

20 Solicitor.

21 MS. LESKANIC: Thank you, Your Honor.

22 May it please the court.

23 DIRECT EXAMINATION BY MS. LESKANIC:

24 Q. Good afternoon, Dr. Ross.

25 A. Good afternoon.

1 Q. Would you please introduce yourself to the jury and
2 tell them about your employment?

3 A. Yes, I'm a doctor. I have been through four years of
4 college at the University of South Carolina and four years
5 of medical school.

6 I received my M.D. at Upstate Medical Center in
7 Syracuse, New York, where I did further training in the area
8 of pathology.

9 Pathology, as opposed to surgery or pediatrics, is a
10 discipline in medicine where we learn how to diagnose
11 diseases using a microscope and using laboratory tests. We
12 also learn how to do an autopsy to find a cause of death.

13 I did further training in the field of forensic
14 pathology, in which we learn how to identify patterns of
15 injury, submit documentation for the court of law, and
16 retain fluids and tissue for the purpose of identifying
17 drugs or any other diseases.

18 Q. In your career have you had any idea of approximately
19 how many autopsies you have performed?

20 A. Over 14,000.

21 Q. Okay. And how many times have you been called to
22 testify in court, been qualified as an expert?

23 A. Over 200.

24 Q. Okay.

25 MS. LESKANIC: And at this time, Your Honor, we

1 would offer Dr. Janice Ross as an expert in the field of
2 forensic pathology.

3 MR. MORIN: No objection.

4 MS. RACINE: No objection.

5 THE COURT: Okay.

6 Ladies and gentlemen, generally a person cannot
7 give opinion testimony. A person must testify to something
8 they have seen, heard, sensed, but there is an exception
9 where someone is qualified due to their education,
10 experience, knowledge, skill, and training. That person is
11 qualified to give an opinion.

12 This witness is now qualified as an expert in
13 forensic pathology. That does not mean that you must accept
14 her opinion. Give it whatever weight you see fit and the
15 credibility that you believe is appropriate.

16 Thank you.

17 MS. LESKANIC: Thank you, Your Honor.

18 BY MS. LESKANIC:

19 Q. Dr. Ross, did you perform an autopsy on Timothy Blair?

20 A. Yes.

21 Q. When did you perform that autopsy?

22 A. It was on June 23rd, 2014.

23 Q. So the day after he died, is that correct?

24 A. Yes.

25 Q. Okay. And where was that autopsy performed?

1 A. In the morgue at Newberry County Memorial Hospital.

2 Q. And based upon your autopsy, within the bounds of
3 reasonable medical certainty were you able to determine a
4 cause of death for Timothy Blair?

5 A. Yes.

6 Q. And what is your opinion?

7 A. It's exsanguination, which means to bleed out due to
8 laceration of lungs and blood vessels due to gunshot wound
9 to the chest.

10 Q. Okay. During your autopsy did you photograph the
11 injuries that were visible on Mr. Blair?

12 A. Yes.

13 Q. I would like to show you what's been marked State's
14 Exhibit 20, 21, and 22. If you could look at those and tell
15 me if you recognize those?

16 A. Yes, those depict the wounds on Timothy Blair at the
17 time of autopsy.

18 MS. LESKANIC. Okay. Your Honor, at this time we
19 would offer State's Exhibit 20, 21, and 22 for admission.

20 MR. MORIN: No objection.

21 THE COURT: State's 20, 21, and 22 --

22 MS. RACINE: No objection.

23 THE COURT: -- are admitted without objection.

24 (Whereupon, State's Exhibit No. 20 was entered
25 into the record as evidence).

1 (Whereupon, State's Exhibit No. 21 was entered
2 into the record as evidence).

3 (Whereupon, State's Exhibit No. 22 was entered
4 into the record as evidence)

5 MS. LESKANIC: Thank you, Your Honor.

6 May I publish, Your Honor?

7 THE COURT: Yes, ma'am.

8 BY MS. LESKANIC:

9 Q. If you need to step down, Dr. Ross.

10 I'm going to place these up on the overhead and if you
11 can explain to the jury what wounds you saw on Mr. Blair
12 during the autopsy.

13 (Witness off the witness stand)

14 BY MS. LESKANIC:

15 Q. I'm showing you first State's Exhibit 20.

16 A. Yes, this is obviously the front of Mr. Blair and there
17 is an entrance gunshot wound here in the left upper chest in
18 his shoulder.

19 Q. Okay. So that is where the bullet entered that's in
20 his left shoulder?

21 A. Yes.

22 Q. Okay. And then what is the path that the bullet
23 traveled?

24 A. It went from that left to the right, slightly downward,
25 and went through both lungs and blood vessels here in the

1 neck. It went through the -- under his armpit of the right
2 arm.

3 Q. I'll show you State's Exhibit 21.

4 A. Yes. That's the wound going through the armpit. It
5 kind of comes out and goes back in, because the bullet then
6 goes into the right arm.

7 Q. Okay. State's Exhibit 22, if you can see that.

8 A. It's hard to see.

9 Q. I tell you what. I'll bring it to you and let you
10 stand in front of the jury, if you would with that, and tell
11 them what that is.

12 A. We placed the number so that the head is upward, and
13 this is the right upper arm. The exit wound. Part of the
14 bullet came out the right arm, the outside of the right arm,
15 and a little fragment was left in the arm itself, which we
16 retrieved at the autopsy.

17 Q. Okay. And you may have a seat.

18 With that I'm going to show you State's Exhibit 23 --

19 (Witness back on the witness stand).

20 BY MS. LESKANIC:

21 Q. -- and see if you recognize that, Dr. Ross?

22 A. Yes, that's the fragment of a bullet that we got out of
23 the right arm.

24 Q. Okay. So the bullet passes through his left shoulder,
25 penetrating both lungs, and then exits out of the right

1 armpit and into the right arm and partially out?

2 A. Yes.

3 Q. And a piece of bullet fragment you retrieved during
4 autopsy from his right arm --

5 A. Yes.

6 Q. -- is that correct?

7 A. Yes.

8 Q. And this is the piece that was retrieved?

9 A. Yes.

10 MS. LESKANIC: Your Honor, at this time we would
11 offer State's Exhibit 23 for admission into evidence.

12 MR. MORIN: No objection.

13 MS. RACINE: No objection.

14 THE COURT: Without objection, State's 23 is
15 admitted.

16 MS. LESKANIC: Thank you.

17 (Whereupon, State's Exhibit No. 23 was entered
18 into the record as evidence)

19 BY MS. LESKANIC:

20 Q. Did you note any other injuries of concern on Mr. Blair
21 during the autopsy?

22 A. No, I did not.

23 Q. So was there one gunshot wound?

24 A. Yes.

25 Q. And what was the ultimate cause of death?

1 A. He bled out from the laceration of the lungs and some
2 of the arteries in the neck.

3 Q. Do you have any way of knowing how long it would have
4 taken him to bleed out, based on this injury?

5 A. Minutes. It's hard to say exactly, but four or five
6 minutes.

7 Q. All right. Thank you.

8 Please answer any questions of the defense.

9 MR. MORIN: I have no questions of this witness.

10 MS. RACINE: No questions.

11 THE COURT: All right. Doctor, you may step down.
12 Thank you. Please be careful.

13 THE WITNESS: Thank you.

14 MS. LESKANIC: The State calls Billy Anthony.

15 THE CLERK: Please raise your right hand.

16 OFFICER BILLY ANTHONY, having been first duly
17 sworn, testified as follows:

18 THE WITNESS: I do.

19 THE CLERK: Watch your step.

20 THE COURT: Sir, tell us your full name and spell
21 your last name for the court reporter, please.

22 THE WITNESS: My name is Billy Anthony,
23 A-N-T-H-O-N-Y.

24 THE COURT: Solicitor.

25 MS. LESKANIC: Thank you, Your Honor.

1 DIRECT EXAMINATION BY MS. LESKANIC:

2 Q. Detective Anthony, where are you currently employed?

3 A. For the Cherokee County Sheriff's Office.

4 Q. And how long have you been employed at the sheriff's
5 department?

6 A. I have been employed there full time for seventeen
7 years.

8 Q. And during your seventeen years of employment, what
9 types of positions have you held?

10 A. I started out as a road patrol officer. I worked my
11 way up as the supervisor on the road. I had a lieutenant on
12 a shift, and I'm currently in evidence and a crime scene
13 investigator.

14 Q. Were you working in crime scene investigations on
15 June 22nd of 2014?

16 A. Yes, ma'am, I was.

17 Q. And were you called out to Connecticut Village
18 Apartments on that day?

19 A. Yes, ma'am.

20 Q. Where is Connecticut Village located?

21 A. It's in the southern part of Cherokee County, just
22 below Gaffney.

23 Q. Okay. So it's located in Cherokee County, South
24 Carolina?

25 A. Yes, ma'am.

1 Q. Off of East Junior High Road?

2 A. Yes, ma'am, that's correct.

3 Q. Do you know what time that you received the call and
4 what time that you arrived?

5 A. If I can refer to my notes?

6 I was called on June the 22nd of 2014. I don't have
7 the time I was notified. I arrived on the scene right
8 around five o'clock. I was actually out working another
9 case unrelated when I received the initial call.

10 Q. Okay. So you came from essentially another crime scene
11 to this scene?

12 A. Yes, ma'am, that's correct.

13 Q. All right. And where were you directed when you
14 arrived in Connecticut Village?

15 A. When I first arrived on the scene, I was contacted by
16 one of the -- I met with the detective that was on the scene
17 and the first responding officers. We were going to do a
18 walk-through of the scene and I was directed to go to a
19 wooded area just above it. There was the path traveled
20 behind Connecticut Village Apartments. We walked that path
21 to look for evidence or anything that was in that area.

22 Q. Okay. Did you take photographs while you were there?

23 A. Yes, ma'am, I did.

24 Q. Okay. I'm going to show you what's been marked State's
25 Exhibit 13, 18, and 19.

1 MS. RACINE: No objection.

2 MR. MORIN: No objection.

3 MS. LESKANIC: Thank you.

4 BY MS. LESKANIC:

5 Q. If you would, take a look at these and see if you
6 recognize them?

7 A. Yes, ma'am, I do.

8 Q. Okay. And do these photographs accurately show that
9 wooded trail and the area of Connecticut Village?

10 A. Yes, ma'am, they do.

11 MS. LESKANIC: Your Honor, at this time we would
12 offer State's Exhibit 13, 18, and 19 for admission as
13 evidence.

14 THE COURT: Without objection?

15 MR. MORIN: Without objection.

16 MS. RACINE: Without objection.

17 THE COURT: Without objection, they are admitted.

18 (Whereupon, State's Exhibit No. 13 was entered
19 into the record as evidence).

20 (Whereupon, State's Exhibit No. 18 was entered
21 into the record as evidence).

22 (Whereupon, State's Exhibit No. 19 was entered
23 into the record as evidence)

24 MS. LESKANIC: May I publish?

25 THE COURT: Yes, ma'am.

1 MS. LESKANIC: Thank you.

2 BY MS. LESKANIC:

3 Q. Detective Anthony, if you need to step down, feel free
4 to do so.

5 (Witness off the witness stand).

6 BY MS. LESKANIC:

7 Q. I'm showing you first State's Exhibit 13.

8 A. This is a photograph of East Junior High Road.

9 Just to kind of give you a reference, Connecticut
10 Village Apartments, it's kind of hard to see, but you can
11 see some of the buildings in the background there.

12 East Junior High School would be to your left out of
13 frame.

14 And the path in the wooded area we are discussing is
15 this little opening. You kind of see it in the trees. It
16 goes down to the upper end of Connecticut Village
17 Apartments.

18 Q. I'm going to let you show them while you are there
19 State's Exhibit 13. It's a little hard to see. If you
20 could point out to the jury on that one where the wooded
21 path is on the side of the road?

22 A. It would be the right -- right where my finger is there
23 is a little dirt area where it goes into the wooded area.

24 Q. Okay. And I'll show you State's Exhibit 18.

25 A. This is taken from the same direction. This is the

1 sidewalk. Connecticut Village Apartments would be through
2 the wooded area here, and this is the path. You can see the
3 dirt path that goes down into the woods.

4 Q. And were you able to -- did you walk that wooded path?

5 A. Yes, ma'am, I did.

6 Q. And where does that path come out, once you reach
7 Connecticut Village?

8 A. It comes out behind the buildings at Apartment 1, as
9 it's kind of between that building and the adjacent
10 building.

11 Q. And is that the general area where Timothy Blair was
12 found shot?

13 A. Yes, ma'am, it is.

14 Q. Okay. I'm showing you State's Exhibit 19.

15 A. This is just a little more close-up of the previous
16 photo. You can see the dirt path where it goes down through
17 the woods.

18 Q. Thank you.

19 So you were called out to the scene. You were called
20 out to the wooded path.

21 (Witness back on the witness stand).

22 BY MS. LESKANIC:

23 Q. And then what else did you do during the crime scene
24 investigation?

25 A. After we took overall photographs of the scene, we

1 blocked off the area from view. There was a large crowd had
2 formed. The officers had it blocked off with crime scene
3 tape and officers kept the people back, but we set up a
4 canopy around where the victim was to block the view and
5 then we started taking our more close-up photographs looking
6 for any evidence that was right there around the victim and
7 examined the victim himself.

8 Q. And were you able to find any potential evidence?

9 A. Yes, ma'am, we did.

10 Q. What were you able to locate?

11 A. Located -- on near the back walkway area we located a
12 7.62 X 39 cartridge casing, a Bic cigarette lighter and --
13 and that was all that was located there near the victim.

14 Q. Okay. I want to show you State's Exhibits 14, 15, 16
15 and 17. Take a look at these and tell me if you recognize
16 this.

17 A. Yes, ma'am, I do.

18 Q. Okay. And what are the photographs?

19 A. The photographs are some of the overall photographs and
20 close-ups of the items of evidence behind Apartment ■, 1
21 area of Connecticut Village.

22 And then the envelope is the cartridge casing that I
23 recovered. I had sealed it and dated it on the back with my
24 seal and it carries our case number and bar code. That's
25 how we track our evidence so I'm able to identify it by

1 that.

2 Q. Okay. I'm going to leave that one with you right now.

3 MS. LESKANIC: Your Honor, at this time I would
4 offer State's Exhibit 14, 15, 16, and 17 for admission.

5 MR. MORIN: No objection.

6 MS. RACINE: No objection.

7 THE COURT: Without objection, they are admitted.

8 (Whereupon, State's Exhibit No. 14 was entered
9 into the record as evidence).

10 (Whereupon, State's Exhibit No. 15 was entered
11 into the record as evidence).

12 (Whereupon, State's Exhibit No. 16 was entered
13 into the record as evidence).

14 (Whereupon, State's Exhibit No. 17 was entered
15 into the record as evidence)

16 BY MS. LESKANIC:

17 Q. Okay. Detective Anthony, starting with State's
18 Exhibit 14 --

19 Can you step down again?

20 If you would tell --

21 (Witness off the witness stand).

22 BY MS. LESKANIC:

23 Q. If you would tell the ladies and gentlemen of the jury
24 what we are looking at here?

25 A. This is the back corner of -- this would be Apartment

1 [1], of the rear door to Apartment [1].

2 The trail that we were referencing earlier that came
3 off East Junior High Road would kind of come back from this
4 general area behind the apartment.

5 And this is just an overall photograph where the victim
6 was located and our close-up photos of these items of
7 evidence in this area.

8 Q. Okay. I'm going to put up State's Exhibit 8 just so
9 you can reference again where on State's Exhibit 8 you found
10 Mr. Blair's body and the wooded path and how it all relates.

11 A. This again would be the rear door of Apartment [1].
12 This -- the victim was located right in this area. And this
13 is the end of the trail where it comes out behind the
14 apartments.

15 Q. I'm going to show you State's Exhibit 15.

16 A. This would be the back door to Apartment [1], the
17 sidewalk coming out, and there is the red lighter that we
18 located marked by number 3.

19 Number 2 we marked as the cartridge casing that was
20 located on the scene.

21 Q. State's Exhibit 16?

22 A. This is just a close-up photograph of the cartridge
23 casing.

24 Q. Was the lighter and the cartridge casing collected as
25 evidence?

1 A. Yes, ma'am, they were.

2 (Witness back on the witness stand).

3 BY MS. LESKANIC:

4 Q. And was fingerprint testing done on those items?

5 A. Yes, ma'am, it was.

6 Q. Were there any fingerprints that were of useful quality
7 found on either the cartridge casing or the lighter?

8 A. No, ma'am.

9 Q. Was the lighter and the cartridge casing sent off for
10 DNA testing?

11 A. Yes, ma'am.

12 Q. And do you know the results of that?

13 A. They were also negative.

14 Q. Okay. So no DNA of useable quality was found on the
15 lighter or the cartridge casing, is that correct?

16 A. That's correct.

17 Q. Okay. And looking at State's Exhibit --

18 A. 17.

19 Q. -- 17, if you would please open that and show the jury
20 what you collected?

21 A. Inside this plastic envelope is a cartridge casing that
22 was collected.

23 Q. Have you had firearms training during your time at the
24 sheriff's department?

25 A. Yes, ma'am, I have.

1 Q. What type of firearms training do you have?

2 A. I am currently a firearms instructor with the sheriff's
3 office, and we have done injury-distance determination as to
4 reference to weapons and those things.

5 Q. And would any of that knowledge help you determine the
6 type of weapon that may have been used to shoot Mr. Blair or
7 the distance away from Mr. Blair when the weapon was fired?

8 MR. MORIN: Yes, I have a matter.

9 THE COURT: Yes.

10 (Whereupon, the lawyers approached the bench for
11 an off-the-record discussion)

12 MS. LESKANIC: Thank you, Your Honor.

13 THE COURT: Solicitor.

14 BY MS. LESKANIC:

15 Q. Okay. Detective Anthony, what type of firearms
16 training do you have and what type of knowledge do you have
17 compared with handguns versus long guns, shotguns, assault
18 rifles, that type of thing?

19 And what I'm trying to get from you is what type of
20 weapon would normally fire this type of cartridge casing
21 that was located right next to Mr. Blair's body?

22 A. Being in law enforcement, we commonly come across
23 handguns, rifles, shotguns. I've received many courses in
24 types of weapons and what they typically are fired from or
25 what they can hold.

1 And this one is primarily found in a rifle. It's a
2 rifle cartridge as compared to a handgun.

3 Q. Okay. So this type of shell casing would typically be
4 fired from a long gun, a rifle?

5 A. Typically it is, yes, ma'am.

6 Q. Okay. In this case were you ever given or do you have
7 knowledge of whether the weapon that fired this was ever
8 collected for comparison?

9 A. No, ma'am, it was not.

10 Q. Okay. So the only thing that you received was the
11 cartridge casing?

12 A. Yes, ma'am, that's correct.

13 Q. But no weapon to compare it to?

14 A. No, ma'am.

15 Q. Okay. Did you search Mr. Blair as a part of the crime
16 scene?

17 A. Yes, ma'am, we did.

18 Q. Did you find any weapon on Mr. Blair?

19 A. No, ma'am, we did not.

20 Q. And also in working this case, did you happen to drive
21 the distance, or do you know the distance from Mcentire
22 Mobile Home Park on Providence Road to Connecticut Village
23 on East Junior High Road?

24 A. Yes, ma'am, I actually drove one route from Connecticut
25 Village Apartments to Mcentire's Mobile Home Park and it was

1 3.7 miles.

2 Q. I want to show you --

3 How long have you lived in Cherokee County?

4 A. My entire life.

5 Q. Okay. So you are familiar with Gaffney and Cherokee
6 County?

7 A. Yes, ma'am.

8 Q. I want to show you what's been marked State's
9 Exhibit 29. Can you take a look at that and tell me if you
10 can say what that is?

11 A. Yes, ma'am, this would be a Google map's image of
12 Gaffney and most of Cherokee County.

13 Q. Okay.

14 MS. LESKANIC: Your Honor, at this time I would
15 like to offer State's Exhibit 29 for admission.

16 MR. MORIN: No objection.

17 MS. RACINE: No objection.

18 THE COURT: Without objection, State's 29.

19 (Whereupon, State's Exhibit No. 29 was entered
20 into the record as evidence)

21 BY MS. LESKANIC:

22 Q. Detective Anthony, looking at this, and I'm not sure if
23 you would be able to see it on the overhead, but could I ask
24 you to come over here?

25 (Witness off the witness stand).

1 BY MS. LESKANIC:

2 Q. And I would just like you to circle two areas for me on
3 State's Exhibit 29.

4 Can you locate Connecticut Village Apartments, the
5 general area on the map?

6 A. Yes, ma'am. This is -- there is a red marker for 409
7 East Junior High Road and that's where the apartments are
8 located.

9 Q. Okay. Do you know where Mcentire Mobile Home Park is
10 located?

11 A. Yes, ma'am, it is right here on the map.

12 Q. Okay. And Littlejohn Street in Cherokee County?

13 A. It's hard to see. I can't distinguish which street it
14 is, but looking at this map it is right in this general --
15 general area there.

16 Q. Okay. And how about the Redwood Store?

17 A. Can I pick it up just a moment?

18 Q. Yes, you may. Yes, you may pick it up.

19 A. The Redwood Store is right at this intersection.

20 Q. Okay. And, lastly, Sarratt Avenue?

21 A. It's going to be right -- right in this area.

22 Q. Okay. All right. Thank you very much.

23 And the distance that you drove from Mcentire Mobile
24 Home Park from here to get to Connecticut Village here were
25 3.7 miles?

1 A. Yes, ma'am, it was.

2 (Witness back on the witness stand).

3 BY MS. LESKANIC:

4 Q. Just one moment, please.

5 (Off the record).

6 (Back on the record).

7 BY MS. LESKANIC:

8 Q. I think that's all the questions that I have for you.

9 Please answer any questions from the defense.

10 THE COURT: Yes, sir.

11 CROSS EXAMINATION BY MR. MORIN:

12 Q. Detective Anthony, you -- when you were collecting
13 evidence out there, you also checked in the pockets of the
14 victim in this case, is that correct?

15 A. Yes, sir, that's correct.

16 Q. And you located a phone, is that correct?

17 A. Yes, sir.

18 Q. And you also in that same pocket I think also located
19 some green plantlike material is what it's described as?

20 A. Yes, sir, that's correct.

21 Q. Was -- did you -- did you know what the phone number on
22 that phone was?

23 A. No, sir, I do not.

24 Q. Do you know if the plantlike material was tested?

25 A. I did not see a report in there for it. I'm not sure

1 at this moment if it was or not.

2 Q. All right.

3 Now, I have been out to Connecticut Village recently.
4 We are talking about five years ago, but there are signs up
5 now about videos. Do you know if there were any videos
6 being made at Connecticut Village in 2014?

7 A. I'm not aware of any.

8 Q. All right.

9 How about any at Mcintire Mobile Home Park or the store
10 to which you have referred?

11 A. I do not know. That's generally -- I work the crime
12 scenes --

13 Q. Okay.

14 A. -- and our investigators follow up on with witnesses,
15 or videos, or that sort of thing.

16 Q. Well, and I apologize, but you testified you drove to
17 that location.

18 A. I did, yes, sir.

19 Q. Okay. You say it's four miles, 3.7?

20 A. Yes, sir.

21 Q. And you have to go through I'm just saying four lights
22 on that route?

23 A. Yeah, it would be about right, yes, sir.

24 Q. Past the sheriff's office?

25 A. Yes, sir.

1 careful.

2 Mr. Foreman, ladies and gentlemen of the jury, I
3 was told at break that Mr. Anthony would be the last witness
4 for today. With that we are going to be releasing you a
5 little bit early.

6 Don't talk about the case. Don't go home and try
7 to find out anything about the case, or learn anything.
8 Don't use computers to do that. And then tomorrow we report
9 back and we will start at nine a.m. tomorrow. Nine a.m.
10 tomorrow. So get here sometime before nine, maybe a quarter
11 'til. The courthouse opens at 8:30. You would be able to
12 get in by 8:30. I will already be here. The lawyers will
13 already be here. I'm going to -- I'm going to get some more
14 of that coffee in the morning. I hope you got some this
15 morning, because it's good, but I will be here in the
16 morning about 8:10, something like that. The lawyers will
17 be here about close to that. You get here, come 8:30 to
18 8:45, something like that. Use the facilities, get yourself
19 situated and we will go to work at nine a.m. tomorrow
20 morning.

21 Mr. Foreman, if you will take the jury out.

22 (The following takes place outside the presence of
23 the jury panel)

24 THE COURT: Anything from the State?

25 MS. LESKANIC: No, sir.

1 THE COURT: Anything from the defense?

2 MR. MORIN: No, sir.

3 MS. RACINE: No, sir.

4 THE COURT: Okay. I will be here a little earlier
5 tomorrow morning.

6 (Whereupon, proceedings were adjourned to July 17,
7 2019)

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE OF SOUTH)
CAROLINA)
5) TRANSCRIPT OF RECORD
-vs-) 2014-GS-11-00875
6)
7 FRANKLIN PIERRE DOVER,) JULY 17, 2019
8) GAFFNEY, SOUTH CAROLINA
DEFENDANT.)

9
10 (VOLUME III)

11
12 B E F O R E:

13 THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.
14
15
16

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25 CIRCUIT COURT REPORTER

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS

3

4 THE STATE OF SOUTH)
CAROLINA)
5 -vs-) TRANSCRIPT OF RECORD
6) 2014-GS-11-00878
7 RAJSHUN BERNARD FOSTER,) JULY 17, 2019
8 DEFENDANT.) GAFFNEY, SOUTH CAROLINA

9

10

(VOLUME III)

11

12

B E F O R E:

13

THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.

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1 (PROCEEDINGS, JULY 17, 2019).

2 (Testimony of Susan Crawford was marked as Court's
3 Exhibit No. 3 for identification)

4 THE COURT: Ready?

5 MR. MORIN: We are ready.

6 THE COURT: Okay.

7 MS. LESKANIC: May it please the court?

8 THE COURT: Yes, ma'am.

9 MS. LESKANIC: Your Honor, the State's next
10 witness will be Susan Crawford, who testified in the last
11 trial. She is -- it has been reported to us that -- she's
12 been in contact with our investigator Richard Burgess that
13 she has been hospitalized for approximately the last seven
14 days with a heart and thyroid issue. She was released from
15 the hospital yesterday. However, she's at the doctor's
16 office this morning; stated that she may be available to
17 come in tomorrow, but I think the State's case will close
18 today, and we are not sure because they are talking about
19 putting a stent in her heart, so she's not sure of her
20 availability tomorrow. Based upon that we are moving to be
21 able to read her testimony in from the first trial,
22 excluding, of course, questions by Travis Moore and also
23 excluding her identifying where Mr. Dover, Mr. Foster, and
24 Mr. Blair were standing. However, we would ask that Ms.
25 Barry, Adrienne Barry from our office, is going to read the

1 testimony, if allowed, but she would be allowed to at least
2 point out what apartment Ms. Crawford was in that day to
3 give reference to the testimony.

4 THE COURT: Yes, sir.

5 MR. MORIN: No objection.

6 MS. RACINE: No objection.

7 THE COURT: Okay. As we talked about in chambers,
8 we will treat this sworn testimony as you would a
9 deposition, and so the lawyers will ask the questions, read
10 the questions, the same question that was previously asked,
11 and Ms. Barry will read the answer and not deviate from it.
12 Everybody had a copy of the transcript?

13 MS. LESKANIC: I provided a copy that I had marked
14 through with pencil, Your Honor, deleting the portions that
15 my position were not appropriate to be read or explained by
16 Ms. Barry, and I have provided a copy of that to Mr. Morin,
17 Ms. Racine, and to Mike Watts, the court reporter as a
18 court's exhibit. And, of course, if they have any additions
19 or other deletions, but they have not advised me of any.

20 THE COURT: Okay.

21 MR. MORIN: No, that's fine, Your Honor, and I
22 didn't ask any questions of this witness the last time. I
23 probably wouldn't this time anyway.

24 MS. RACINE: No objection.

25 THE COURT: Okay. All right.

1 We ready?

2 MS. LESKANIC: Would I call her -- will you -- I
3 have never had to do this before. You will advise the jury
4 and then I'll call Ms. Barry as a proffer?

5 THE COURT: I'm going to explain that to them when
6 they come in and you will call the witness through the
7 proffer and Ms. Barry will be sworn to read the -- correctly
8 read the answers from this transcript.

9 MS. LESKANIC: Very good. Thank you, Your Honor.

10 THE COURT: All right. We will have the jury.

11 It's Susan Crawford, right?

12 MS. LESKANIC: Yes, Your Honor.

13 (The following takes place in the presence of the
14 jury panel)

15 THE COURT: Good morning, ladies and gentlemen.

16 Any matters for the jury?

17 JURY FOREPERSON: No.

18 THE COURT: Good.

19 Solicitor.

20 MS. LESKANIC: Your Honor, the State would call
21 Susan Crawford.

22 THE COURT: All right.

23 Ms. Barry, come forward, please, and be sworn.

24 THE CLERK: Please raise your right hand and put
25 your left hand on the Bible.

1 Do you solemnly swear that you will accurately
2 read the transcript of Susan Crawford without additions
3 thereto or detractions therefrom, so help you God?

4 THE WITNESS: I do.

5 THE COURT: Mr. Foreman, ladies and gentlemen, the
6 State has a witness, Susan Crawford, who was unavailable due
7 to sickness, in fact hospitalized, but this witness, Ms.
8 Crawford, gave a sworn statement earlier. The lawyers will
9 read the questions that were previously asked and Ms. Barry
10 will read the answer of Ms. Crawford from the transcript.

11 Solicitor.

12 DIRECT EXAMINATION BY MS. LESKANIC:

13 Q. "Ms. Crawford, I would like to take you back to June
14 22nd of 2014. Were you in Connecticut Village that day?

15 A. "Yes, ma'am.

16 Q. "And why were you there?

17 A. "I was baby-sitting my step-children.

18 Q. "And what apartment were you in?

19 A. "It's 8.

20 Q. "And could you by using State's Exhibit 2, if you need
21 to step down you are welcome to, point out to the jury what
22 apartment you were in that day?

23 (Witness off the witness stand).

24 A. "Right there.

25 BY MS. LESKANIC:

1 Q. "The one on the end?

2 A. "Very end.

3 Q. "Okay.

4 (Witness back on the witness stand)."

5 BY MS. LESKANIC:

6 Q. "And you were there baby-sitting?

7 A. "Yes, ma'am.

8 Q. "And it was a hot day?

9 A. "Yes, ma'am.

10 Q. "Were the windows open or closed on the apartment?

11 A. "Open.

12 Q. "Where were you in the apartment?

13 A. "In the living room. In the living room window.

14 Q. "Did that look out into the parking area?

15 A. "Yes, ma'am.

16 Q. "Did something get your attention while you were there?

17 A. "Yes. I was sitting in the window and I started
18 hearing what sounded like an argument. You could tell and I
19 looked out the window and at that time I recognized Mr.
20 Foster and the gentleman that at that time we called -- they
21 called him "Slick".

22 Q. "Okay.

23 A. "And they were having a -- it was like, you know, you
24 could tell a verbal confrontation or disagreement or the --
25 it was some cursing, but it was mostly Mr. Foster was -- you

1 know, talking to, or, you know, very firm with the other
2 gentleman.

3 Q. "Slick"?

4 A. "Yes.

5 Q. "Was "Slick" saying anything back to Mr. Foster?

6 A. "Not a whole lot. He kind of looked down at his feet a
7 few times because I was like maybe he's not really saying
8 anything back. He kind of looked intimidated to a certain
9 extent.

10 Q. "And did you see anybody else out there?

11 A. "Not at that time. It was just them two arguing."

12 Q. Go to line 23.

13 A. "Okay. I was in this very end apartment. The dumpster
14 was blocking it. I was in that living room window.

15 "Mr. Foster and "Slick" was right on this pavement or
16 sidewalk in front of the living room while right behind the
17 dumpster in front of the living room window where the
18 argument was happening. And, of course, I was -- I couldn't
19 hear it. You could tell it was, you know, an argument for
20 sure.

21 Q. "And then at some point I guess when did -- how did the
22 argument end or what did you see?

23 A. "At that time -- at that time it lasted not very long,
24 a couple minutes, and at that time I noticed that "Slick"
25 walked off in this direction going up the hill back up to

1 the upper part of the complex.

2 "Mr. Foster walked down to right here.

3 "There was a car parked in this driveway. I do -- it
4 was a dark colored car. I don't remember the make or model.
5 I just remember a dark colored car. He sit in that vehicle
6 for a few minutes and then he proceeded to go to the trunk
7 of the car, open the trunk. I noticed that he pulled out
8 a -- he was looking at the basketball jersey because he was
9 holding it up. That's how I remember that. You know, it
10 was actually a Lebron James jersey, and at that time is when
11 I seen come out the side and I didn't pay attention really.
12 I just looked back at Mr. Dover walked was standing there
13 having a conversation with Mr. Foster. They were looking at
14 the jersey.

15 Q. "So at that time you had seen "Slick", Rajshun Foster,
16 and who you know as "Gwap"?

17 A. "Uh-huh.

18 Q. "And they are in that area together?

19 A. "Slick" had done walked off. I never seen Mr. Dover
20 speak or talk to "Slick" at all.

21 Q. "Did you ever come out of your apartment?

22 A. "No, I did not.

23 Q. "Now, after you saw "Slick" walk away, approximately
24 how long after that did you -- did you hear a gunshot or
25 were you --

1 A. "No, ma'am, I did not hear the gunshot.

2 Q. "How did you find out about the shooting?

3 A. "It was maybe ten to fifteen minutes. After I seen
4 them standing at the trunk of the vehicle I went into the
5 kitchen area and I come back and they were gone. I don't
6 know who left with who or anything like that. I just know
7 there is nobody there.

8 Q. "So Rajshun and "Gwap" had left?

9 A. "They were gone. And it was like maybe ten, twelve,
10 maybe fifteen minutes -- maybe fifteen minutes that all the
11 sudden people are like running that and saying -- I mean, it
12 just spread that quick from mouth to mouth that "Slick" had
13 got shot at the back of an apartment at the top of the hill.

14 Q. "And how certain are you that you saw "Slick" out there
15 that day?

16 A. "A hundred percent. Two hundred percent.

17 Q. "And how about Rajshun Foster?

18 A. Everything -- yeah, I mean, I know --

19 Q. Are you a hundred percent sure it was Rajshun Foster?

20 A. "A hundred percent sure.

21 Q. "And how about with Frank Dover?

22 A. "A hundred percent sure.

23 Q. "Did you hear by chance what they were arguing about?

24 A. "The only thing I -- I heard something about money, but
25 as far as like every word that the argument -- I mean, it

1 was a lot of cursing and just very firm, but I did hear
2 something about money.

3 Q. "You couldn't hear everything that was said, but
4 enough --

5 A. "No, because I had some kids in the house and -- and,
6 you know, so I couldn't hear everything they were, you know,
7 arguing about.

8 Q. "I think that's all the questions that I have for you.

9 "Please answer any questions that the defense counsel
10 may have."

11 MR. MORIN: "No questions."

12 CROSS EXAMINATION BY MS. RACINE:

13 Q. "I just want to clarify.

14 "The only thing that you heard was something about
15 money and some cursing?

16 A. "I heard about something, money. I heard the subject
17 of money come up.

18 Q. "And some cursing?

19 A. "And what?

20 Q. "You said some cursing.

21 A. "Oh, yes, cursing. There was some cursing, yes.

22 Q. "And that's all you heard?

23 A. "(Shaking head yes).

24 MS. RACINE: No further questions?

25 MS. LESKANIC: Nothing further, Your Honor."

1 THE COURT: All right. Thank you.

2 MS. LESKANIC: The State calls Antron Bonner.

3 THE CLERK: Raise your right hand and place your
4 left hand on the Bible.

5 ANTRON BONNER, having been first duly sworn,
6 testified as follows:

7 THE WITNESS: Yes, ma'am.

8 THE CLERK: Watch your step.

9 THE COURT: Sir, tell us your name and spell your
10 last name, please.

11 THE WITNESS: Antron Bonner, B-O-N-N-E-R.

12 THE COURT: Thank you, sir.

13 Solicitor.

14 DIRECT EXAMINATION BY MS. LESKANIC:

15 Q. Good morning, Mr. Bonner.

16 I want to take you back to June 22nd, 2014.

17 Okay. Would you please tell the ladies and gentlemen
18 of the jury where you were that day?

19 A. I was at a family cookout and then I came back to the
20 trailer park.

21 Q. Okay. What trailer park did you come back to?

22 A. Mcentire Trailer Park.

23 Q. Who lived in that trailer park?

24 A. I did and "Monkey".

25 Q. Okay. Now, you were coming to the trailer park from

1 the family cookout?

2 A. Yes, ma'am.

3 Q. And you lived in the trailer park at the time?

4 A. Yes, ma'am.

5 Q. All right. What family members lived in the trailer
6 park?

7 A. My grandma, my momma, my aunt.

8 Q. Okay. And whose house did you go to when you first got
9 to the trailer park?

10 A. I went to my house.

11 Q. Okay. And who lived there?

12 A. Me, my grandma.

13 Q. Okay. And then what happened when you got to your
14 grandmother's house?

15 A. Then when she asked me did I feel like going to the
16 store and get her a pack of chewing tobacco.

17 Q. Okay. So your grandmother wanted chewing tobacco?

18 A. Yes, ma'am.

19 Q. What store would you go to to get that?

20 A. Redwood.

21 Q. Is that within walking distance of the trailer park?

22 A. Yes, ma'am.

23 Q. Did you drive?

24 A. No, ma'am.

25 Q. And did you go to the Redwood Store?

1 A. No, ma'am. I walked -- later on -- I mean -- I looked
2 down and pulled in with my cousin. I was seeing the
3 black --

4 Q. Okay. Did somebody drive you back to the trailer park
5 from the cookout?

6 A. My cousin.

7 Q. Okay. And when you arrived at your grandmother's
8 house, she wanted chewing tobacco and what did you see?

9 A. I looked out the back door and seen Frank's Dodge.

10 Q. Okay.

11 A. Frank's car, black car.

12 Q. Frank's Dodge, black car?

13 A. Yes, ma'am.

14 Q. Who was Frank?

15 A. Right there.

16 Q. Okay. He's seated at the defense table?

17 A. Yes, ma'am.

18 Q. What's he wearing?

19 A. Orange, red, black, gray.

20 Q. Okay. So the plaid shirt at the defense table? That's
21 Frank Dover?

22 A. Yes, ma'am.

23 Q. How long have you known Frank Dover?

24 A. For awhile, because he is -- years. About fifteen,
25 twenty.

1 Q. Fifteen to twenty years?

2 A. Yes, ma'am.

3 MS. LESKANIC: Your Honor, I would like the record
4 to reflect that he's identified Frank Dover.

5 THE COURT: So noted.

6 MS. LESKANIC: Thank you.

7 BY MS. LESKANIC:

8 Q. So when you saw Frank Dover's car, where was his car?

9 A. At "Monkey's" trailer.

10 Q. And who is "Monkey"?

11 A. Brittany Watkins.

12 Q. And who is Brittany?

13 A. His girlfriend.

14 Q. Frank's girlfriend is Brittany?

15 A. Yes, ma'am.

16 Q. And Brittany's mother is "Monkey"?

17 A. Yes, ma'am.

18 Q. And you saw Frank's car at that trailer?

19 A. Yes, ma'am.

20 Q. So what did you do?

21 A. I went down there, like I always speak to everybody.

22 Q. Okay. Is that the place that you hung out a lot?

23 A. Yes.

24 Q. Were you close with "Monkey"? What was your

25 relationship with her?

1 A. I just always hang around. They stay in person and we
2 always being around together.

3 Q. So you have known this family for fifteen, twenty
4 years?

5 A. Yes, ma'am.

6 Q. Okay. So what do you do when you go down to the
7 trailer? Where do you go?

8 A. I go in "Monkey's" trailer.

9 Q. Okay. And what do you do when you are in there?

10 A. I speak to everybody and stuff like that, talk to
11 everybody. Speak.

12 Q. Okay. Who -- who do you speak to inside?

13 A. It was mostly she had girls.

14 Q. Okay.

15 A. So I spoke to them and all that. Like I always do on a
16 normal day.

17 Q. All right. When you first went to the trailer, did you
18 walk to the trailer from your grandmother's trailer?

19 A. Yes, ma'am.

20 Q. All right. Was anyone outside the trailer?

21 A. It was "T", Rajshun, and Frank.

22 Q. Okay. And you have already -- Frank Dover?

23 A. Yes, ma'am.

24 Q. And who was Rajshun?

25 A. Right there with his gray shirt on.

1 Q. Okay. Rajshun Foster?

2 A. Yes, ma'am.

3 MS. LESKANIC: Your Honor, let the record reflect
4 he's identified Rajshun Foster.

5 THE COURT: So noted.

6 MS. LESKANIC: Thank you.

7 BY MS. LESKANIC:

8 Q. How long have you known Rajshun Foster?

9 A. At least ten years at the most.

10 Q. Okay. So when you walk up to the trailer, Frank,
11 Rajshun, and "T" are outside?

12 A. Yes, ma'am.

13 Q. Do you go with them, or do you go inside the trailer
14 first?

15 A. I went inside the trailer first.

16 Q. Okay. How long do you think that you were inside the
17 trailer?

18 A. I can't remember. It was probably about two -- about
19 two or three minutes.

20 Q. Not long? Just long enough to speak to everybody?

21 A. Yes, ma'am.

22 Q. And then what did you do?

23 A. I went back outside.

24 Q. Okay. And were those three men still outside talking?

25 A. Yes, ma'am.

1 Q. And what happened next?

2 A. I like asked Rajshun "do you know anybody we could get
3 some marijuana from, go in half on the sale?"

4 Q. And so did Rajshun know where y'all could get some
5 marijuana?

6 A. Yes, ma'am.

7 Q. And where did y'all decide to go?

8 A. He decided to go to Connecticut Village.

9 Q. So it was his decision to go to the village?

10 A. Yes, ma'am.

11 Q. All right. So what happens next?

12 A. We get in the car.

13 Q. Whose car do you get in?

14 A. Rajshun was driving at the time.

15 Q. Do you remember what it looked like?

16 A. I want to say grayish looking.

17 Q. Big car or little car?

18 A. I believe it was small.

19 Q. Okay. So a gray small car and who gets into that car?

20 A. Me, Rajshun, "T", and Frank.

21 Q. And does anybody bring anything with them when they get
22 in the car?

23 A. Frank had got his rifle out of his car, gloves. And
24 "T" had his little hand gun.

25 Q. Okay. So you saw Frank Dover get a rifle out of the

1 black Charger?

2 A. Yes, ma'am.

3 Q. And what about gloves, what did you see?

4 A. Like a doctor's glove.

5 Q. Did you see where he got that from?

6 A. Out of the console.

7 Q. Of the black Charger?

8 A. His black car.

9 Q. Of the black car?

10 A. Yes, ma'am.

11 Q. Okay. So you see when y'all are getting into the car
12 to go to Connecticut Village, Frank Dover gets a rifle out
13 of his black car and a doctor-type glove out of the console
14 of that car?

15 A. Yes, ma'am.

16 Q. And "T" had a small pistol with him?

17 A. Yes, ma'am.

18 Q. Hand gun?

19 A. Yes, ma'am.

20 Q. Okay. Did everybody get into one car, or did y'all
21 take two cars?

22 A. We got in one car.

23 Q. Where was everyone seated?

24 A. Rajshun was driving, "T" was on the other side. I was
25 behind Rajshun. Frank was on the other side of me.

1 Q. Okay. So Rajshun is in the driver's seat, "T" is next
2 to him in the passenger's seat?

3 A. Yes, ma'am.

4 Q. You are behind Rajshun?

5 A. Yes, ma'am.

6 Q. And Frank Dover is sitting right next to you?

7 A. Yes.

8 Q. Where is the gun, this big rifle?

9 A. Right there between us.

10 Q. Okay. So you got a good look at it?

11 A. Yes, ma'am.

12 Q. Do you remember what color it was?

13 A. It was brown with --

14 Q. I'm sorry?

15 A. It was brown and with a thing -- the barrel was like
16 brown and black looking.

17 Q. Brown and black?

18 A. Yes, ma'am.

19 Q. It was a rifle, a long gun?

20 A. Yes, ma'am.

21 Q. Okay. And you saw him get the glove out of his car?

22 A. Yes, ma'am.

23 Q. And then where do y'all go?

24 A. To Connecticut Village.

25 Q. Okay. Tell the jury, please, about leaving the trailer

1 park, where you drove, and what you did.

2 A. We was driving to Connecticut Village.

3 On that small path like you are going down to the
4 village. We came around at the top of the stop sign. There
5 were cars coming. He turned around at the top right there
6 at the stop sign.

7 Q. Okay. I have State's Exhibit 2 up, Mr. Bonner. Do you
8 think that you could step down and with the laser pointer
9 show the jury exactly what you're explaining, where Rajshun
10 drove?

11 (Witness off the witness stand)

12 BY MS. LESKANIC:

13 Q. So what is he doing there, driving down the road?

14 A. Yes, ma'am.

15 Q. And then does what?

16 A. We turned around and probably about two more cars
17 behind us.

18 Q. Okay. And then you head back down East Junior High
19 Road?

20 A. Yes, ma'am.

21 Q. And what happens then?

22 A. Then he got out in the wooded area through the -- where
23 that path is and we was turning around. Rajshun was -- it
24 looked like a driveway. We come all the way back down and
25 parked beside a blue trash can.

1 Q. Okay. You can have a seat back. Thank you.

2 (Witness back on the witness stand).

3 BY MS. LESKANIC:

4 Q. So when y'all are driving -- just to make sure I
5 understand, when you are driving down East Junior High Road
6 Rajshun pulled into the village, but immediately turned
7 around and headed out of the village again?

8 A. We was at the top of the village.

9 Q. Okay. Top of the village, turned around and came back?

10 A. Yes, ma'am.

11 Q. And then he pulled over where?

12 A. In the wooded area.

13 Q. Okay. Are you familiar with the wooded path that's
14 there?

15 A. I didn't see anything the first time that we went
16 through.

17 Q. Is that where they dropped -- where he dropped someone
18 off?

19 A. "T" and Rajshun -- "T" and Frank.

20 Q. Okay. So Rajshun pulled over in the wooded area and
21 who gets out of the car?

22 A. "T" and Frank.

23 Q. And what do they have with them when they get out of
24 the car?

25 A. Their guns.

1 Q. Okay. Tell me who had what?

2 A. Frank had his gun.

3 Q. What was his gun?

4 A. His -- the brown handle with the black and brown.

5 Q. Okay. So the long gun?

6 A. Yes, ma'am.

7 Q. What did "T" have with him?

8 A. His pistol.

9 Q. All right. So y'all dropped them off in the wooded
10 area and then what did you and Rajshun do?

11 A. We went back into the village. He parked beside the
12 blue trash can.

13 Q. Okay. You said he parked here by the blue trash can?

14 A. Yes.

15 Q. And pulled back in?

16 A. Yes.

17 Q. And what happened then?

18 A. He got out and started talking to the dude "Slick".

19 Q. So Rajshun gets out of the car and -- and he sees
20 "Slick". He gets out of the car and starts to talk to him?

21 A. Yes, ma'am.

22 Q. Were you able to hear what they were talking about?

23 A. They were by the side of the car. I could hear various
24 parts.

25 Q. Okay. So did you get out of the car at that time?

1 A. Yeah, I threw a piece of paper or something in the
2 trash can.

3 Q. So you got out of the back seat and throwed something
4 in the trash can?

5 A. Yes, ma'am.

6 Q. Did you go over there and talk to "Slick" and Rajshun
7 or hear what they were talking about?

8 A. No, ma'am. I had got in the front seat.

9 Q. Okay. But you get out, throw something in the trash
10 can and then you get in the front passenger's seat?

11 A. Yes, ma'am.

12 Q. And Rajshun is talking to "Slick"?

13 A. Yes.

14 Q. All right. But you don't know what they were saying?

15 A. Uh-uh.

16 Q. Okay. And then what happened?

17 A. And they sat there and talked for a little bit and he
18 came back to the car.

19 Q. Okay. And then what did he do when he gets back in the
20 car?

21 A. Then we go get some marijuana.

22 Q. Where do y'all go to get marijuana?

23 A. Like in between.

24 Q. If you will just step down and show the jury where
25 y'all went, please?

1 (Witness off the witness stand).

2 A. It was like a speed bump and we was in between there.

3 BY MS. LESKANIC:

4 Q. Okay. So that's as far as you went into Connecticut
5 Village?

6 A. Yes.

7 Q. And who got out of the car to get the marijuana?

8 A. Rajshun.

9 Q. Was he able to get any?

10 A. Yes.

11 Q. What did he do?

12 (Witness back on the witness stand).

13 BY MS. LESKANIC:

14 Q. Do you know where he got it from?

15 A. No, ma'am.

16 Q. What did he do when he got it?

17 A. He tossed it to the front seat.

18 Q. Okay. So he threw it in the car with you, threw it in
19 the front seat?

20 A. Yes, ma'am.

21 Q. All right. And then what happened?

22 A. I looked at it. We just talked for a little minute.

23 A kid came down and he said it sounded like he heard a
24 car explode, motor explode.

25 Q. So a kid said it sounded like a motor exploded?

1 A. Yes, ma'am.

2 Q. Did you hear anything?

3 A. No, ma'am.

4 Q. All right. And then what happened?

5 A. He gets back in the car.

6 Q. Rajshun?

7 A. Yes, ma'am.

8 Q. Okay.

9 A. He had got a phone call as we was leaving the village.

10 Q. Okay. So Rajshun gets a phone call and then y'all
11 drive out of the village?

12 A. Yes, ma'am.

13 Q. All right. And where do you go?

14 A. We pull back up -- back in where we left Frank and "T"
15 off at in the wooded area.

16 Q. So you pulled right there -- you leave the village,
17 y'all pull back over to the wooded area where you had
18 dropped Frank and "T" off --

19 A. Yes.

20 Q. -- shortly before that?

21 A. Yes.

22 Q. And do you pick them back up?

23 A. Yes.

24 Q. Do they both get in the car?

25 A. Yes.

1 Q. All right. And what happens when they get in the car?

2 A. He is like "drive, drive, get me out from this side of
3 town."

4 Q. Who said "drive, drive, get me out from this side of
5 town?"

6 A. Frank.

7 Q. Frank Dover said that as soon as he got in the car?

8 A. Yes.

9 Q. Okay. Did anyone else say anything?

10 A. No. When I asked him -- when we was driving, Rajshun
11 asked him where he shot him at and he was like up in the
12 chest area.

13 Q. So Rajshun is able to drive and said "where did you
14 shoot him," and Frank's answer was what?

15 A. "Up in the chest area."

16 Q. "Up in the chest area."

17 Did "T" say anything?

18 A. No, ma'am.

19 Q. Where did y'all drive to?

20 A. Dropped them off.

21 Q. Where did you -- who did you drop off and where?

22 A. We dropped them off at Mary's, "T" and Frank.

23 Q. You dropped "T" and Frank off at Mary's. Do you know
24 who Mary is?

25 A. One of his girlfriends.

1 Q. One of whose girlfriends?

2 A. Frank.

3 Q. Okay. So you drop -- Rajshun --

4 Did y'all drive straight from Connecticut Village to
5 Mary's house?

6 A. Yes.

7 Q. And Mary is one of Frank's girlfriends?

8 A. Yes.

9 Q. And who got out of the car at Mary's house?

10 A. "T" and Frank.

11 Q. You and Rajshun stayed in the car?

12 A. Yes.

13 Q. Where did you and Rajshun go after dropping them off?

14 A. He dropped me off at the stop sign --

15 Q. Okay.

16 A. -- from across from the trailer park.

17 Q. Okay. Stop sign across from Mcentire Trailer Park?

18 A. Yes.

19 Q. Where you had met with them earlier?

20 A. Yes.

21 Q. Is that walking distance right across the street?

22 A. Yes.

23 Q. And what did you do after you were dropped off at the
24 stop sign?

25 A. I went and got my grandma's tobacco.

1 Q. Where did you get that?

2 A. From the Redwood Store.

3 Q. So you would have turned left, walked down to the
4 Redwood Store, bought this tobacco, and then walked to your
5 grandmother's house?

6 A. Yes, ma'am.

7 Q. Do you have a nickname that you go by?

8 A. "Red".

9 Q. "Red." Is that what most people know you by?

10 A. Yeah.

11 Q. Now, after the shooting occurred, did you ever have a
12 conversation with Frank Dover about whether or not to talk
13 to people about what happened?

14 A. "Don't say nothing about it or I could get in trouble
15 about it."

16 Q. Who told you not to talk about it?

17 A. Frank.

18 Q. Said "don't talk about it?"

19 A. Yes.

20 Q. Because why?

21 A. He probably would get in trouble.

22 Q. Now, when this originally occurred --

23 And you are currently charged with murder, is that
24 correct?

25 A. Yes, ma'am.

1 Q. All right. But I have spoken with your lawyer about a
2 plea to what's called misprision of a felony. Are you aware
3 of that?

4 A. No, ma'am.

5 Q. Okay. Did you know that Rajshun and Frank were going
6 to kill Timothy Blair that day before y'all left Mcentire
7 Mobile Home Park?

8 A. No, ma'am.

9 Q. Did you help them plan the killing of Timothy Blair?

10 A. No, ma'am.

11 Q. All right.

12 After Timothy Blair had been killed and you were aware
13 of that, did you immediately go to police and tell them what
14 happened?

15 A. No, ma'am.

16 Q. When police came to you, did you give them statements
17 about what had occurred?

18 A. Yes, ma'am.

19 Q. Did you know Timothy Blair?

20 A. No, ma'am. I had done seen him around.

21 Q. But you didn't know him?

22 A. No, ma'am.

23 Q. Why did you get in the car with Frank Dover, Rajshun
24 Foster, and "T"?

25 A. Like I said, I had asked "did do know where I could get

1 some marijuana at?"

2 Q. And he asked you to come with him?

3 A. Yes, ma'am. It was like he was going half on a sack.

4 Q. Just one second, please.

5 (Off the record).

6 (Back on the record).

7 BY MS. LESKANIC:

8 Q. Are you related to Rajshun Foster?

9 A. My grandma said he is.

10 Q. And when you arrived at Mcentire Mobile Home Park and
11 Rajshun and Frank and "T" were outside, did you ever hear
12 what they were talking about?

13 A. No, ma'am.

14 Q. All you thought you were getting in the car was to go
15 get some marijuana?

16 A. Yes, ma'am.

17 Q. Thank you very much, Mr. Bonner.

18 Please answer any questions that the defendants have.

19 CROSS EXAMINATION BY MR. MORIN:

20 Q. Mr. Bonner, how old are you?

21 A. Thirty-one.

22 Q. How far did you go in school?

23 A. 11th grade.

24 Q. What school?

25 A. Gaffney High.

1 Q. Can you read and write?

2 A. Not too good.

3 Q. Not too good?

4 A. No, ma'am -- I mean no, sir.

5 Q. Okay. I don't mean anything by this, but I need to ask
6 you. I know that you have a scar on your head. It goes
7 almost -- a long way over. Were you in an accident of some
8 kind?

9 A. I had it since I was little.

10 Q. Sir?

11 A. I had it when I was little.

12 Q. When you were little you were in an accident?

13 A. I don't know why I have it.

14 Q. You don't know why, but you had some kind of surgery?

15 A. Yes, sir.

16 Q. Okay. Is there anything wrong with your hearing?

17 A. Sir?

18 Q. Do you hear okay?

19 A. Yeah.

20 Q. You do?

21 A. All right.

22 Q. All right. Okay.

23 And do you work anywhere?

24 A. I work at Pete's.

25 Q. What do you do at Pete's?

1 A. A little bit of everything.

2 Q. Do you cook?

3 A. I'm on the fryer. I make french fries and stuff.

4 Q. Okay.

5 A. Chicken.

6 Q. Back in 2014 you were staying with your grandma, is
7 that right?

8 A. Yes, sir.

9 Q. And your grandma wanted you to go get her some chewing
10 tobacco?

11 A. Yes, sir.

12 Q. She give you the money for the chewing tobacco?

13 A. Yes, sir.

14 Q. I'm going to jump ahead, because you did a bunch of
15 stuff and then you got back from Redwood with the chewing
16 tobacco. Did she say anything about how long it took you to
17 get there?

18 A. No, sir.

19 Q. Did she -- she just wanted you to get it some time that
20 day?

21 A. Yeah, she always asked me. She probably have a little
22 bit.

23 Q. She give you the money for it?

24 A. Yes, sir.

25 Q. Were you working back then?

1 A. No, sir.

2 Q. Other than Pete's, have you worked anywhere else?

3 A. I used to help people cut grass and stuff like that.

4 Q. Okay. Now, you went over and you talked to Rajshun
5 about buying a half -- or going in half for a sack of weed,
6 right?

7 A. Yes.

8 Q. Where did you get the money for your half of that sack?

9 A. My grandma -- I probably had about two or three
10 dollars. She probably gave me the rest out of that change.

11 Q. You were going to buy the marijuana, half a sack, out
12 of the change from the tobacco money?

13 A. No, I had probably about eight dollars.

14 Q. Okay. Did she give you that money too?

15 A. Like I say, she -- she give me some money to buy it.

16 Q. Did you ask her before you left?

17 A. Yes, sir.

18 Q. Did you know that you were going to get marijuana when
19 you left?

20 A. Uh-uh.

21 Q. Why did you need the eight dollars?

22 A. Like I said, she was -- she asked me to go to the store
23 for her to get tobacco with it --

24 Q. Okay.

25 A. -- but she usually let me get a couple dollars if I

1 asked.

2 Q. Okay. Now, Frank doesn't live in Mcentire Trailer
3 Park, does he?

4 A. No, sir.

5 Q. Okay. And as far as the marijuana, did you smoke
6 marijuana regularly then?

7 A. Yes, sir.

8 Q. About how often did you smoke it?

9 A. When --

10 Q. When you could get some?

11 A. I usually came up with some, or I get some from
12 somebody.

13 Q. By the end of the day?

14 A. Yeah.

15 Q. So pretty much every day, if you could?

16 A. Yes, sir.

17 Q. Okay. Now, when you talked to Rajshun and you asked
18 him about going to get marijuana and he said okay, why was
19 "T" and Frank going?

20 A. He didn't never say. He didn't never say anything.

21 Q. You didn't ask what are we doing?

22 A. Uh-uh.

23 Q. You just got in the car?

24 A. Yes, sir.

25 Q. Okay.

1 Now, did "T" or Frank have a mask with them?

2 A. No.

3 Q. No?

4 A. No.

5 Q. Okay. Now, after you got the marijuana at Connecticut
6 Village, you heard somebody say they heard a bang, like a
7 car exploded, is that right?

8 A. Yes, sir.

9 Q. And then after that you directly -- did you or Rajshun
10 talk to anybody in Connecticut Village after that, or did
11 you just drive straight out?

12 A. We drove straight out.

13 Q. All right.

14 And when they got back to the car, they got in and you
15 drove to Mary Davis' house, right?

16 A. Yes, sir.

17 Q. You have been to Mary's house before?

18 A. Yes, sir.

19 Q. Okay. And Frank and "T" got out?

20 A. Yes, sir.

21 Q. The gun that you say that they had, did they take it
22 with them?

23 A. I don't remember seeing it.

24 Q. A pretty big rifle from what you are saying, right?

25 A. Yeah.

1 Q. Was it in the car?

2 A. But I was in the front seat, though.

3 Q. So you are saying you didn't see --

4 Did you see Frank when he walked up to the house?

5 A. No, sir.

6 Q. Did you see "T" when he walked up to the house?

7 A. No, sir.

8 Q. So you don't know if the rifle that you are talking
9 about was in the Kia Soul with you, or if they took it? Is
10 that what you are saying?

11 A. Yes. They had to take them in.

12 Q. What was that?

13 A. I say they didn't leave them laying in the back seat.

14 Q. So you don't know? Maybe they took it with them and
15 maybe they left it in the car?

16 A. Yes, sir.

17 Q. All right.

18 Well, so when they got out, you are sitting in the
19 driver -- you are sitting there in the passenger's -- front
20 passenger's seat, right?

21 A. Yes, sir.

22 Q. In the Kia Soul, a little bitty car, right?

23 A. Yes, sir.

24 Q. The way that you described it, in order to have that
25 rifle, it would have actually poked out between the two

1 front seats, the way that you were sitting, but when you
2 were sitting there, was it laid across your lap too?

3 A. No, sir.

4 Q. It was -- from the back seat, and it went all the way
5 into the front seat?

6 A. Yes, sir.

7 Q. Okay. Where was Frank sitting when you got to Mary
8 Davis' house?

9 A. I don't remember.

10 Q. Who got into the car first, "T" or Frank?

11 A. I don't remember.

12 Q. Did they both get in the same door, or did one of them
13 come around to the passenger side?

14 A. No, they got in the same door.

15 Q. All right. They got in the same door, but you don't
16 know what order they came in, right?

17 A. They got in the door behind me.

18 Q. Right. And you were looking at them?

19 A. No, sir.

20 Q. You weren't looking at them?

21 A. No, sir.

22 Q. All right. And then when you got to Mary's house they
23 got out?

24 A. Yes, sir.

25 Q. But you don't know -- you didn't look at them when they

1 got out? You just heard them get out?

2 A. They got out of the car.

3 Q. Right.

4 A. They just got in and we pulled off.

5 Q. Right, but you didn't look at them or anything?

6 A. No, sir.

7 Q. You just sit there and were looking straight ahead of
8 you, right?

9 A. We pulled slam off and they got out.

10 Q. Okay.

11 Now, after this Ms. Leskanic said some time went by
12 before you talked to the police, right?

13 A. Yes, sir.

14 Q. Did you go back to Connecticut Village any after that?

15 A. No, sir.

16 Q. You didn't get any more marijuana from Connecticut
17 Village?

18 A. I didn't never have no ride.

19 Q. Okay. Because you don't drove?

20 A. Yes, sir.

21 Q. Who do you live with now?

22 A. My grandma.

23 Q. And the weed, after you got the weed and you say
24 Rajshun threw it into the car, what happened to it?

25 A. We had split it once we got to the stop sign. Once he

1 was dropping me off at the stop sign where he dropped me off
2 in front of the trailer park at we split it right there.

3 Q. He was parked right -- he was sitting right in the road
4 at the stop sign and y'all split it?

5 A. Yes, sir.

6 Q. And how did you split it?

7 A. He got his half and I got my half.

8 Q. I understand that, but you have something to put it in,
9 or did he dump it in your hand?

10 A. No, it was in a plastic bag.

11 Q. Okay. And did he have another plastic bag, or did
12 y'all split it? I'm asking who had the other bag that would
13 have --

14 A. I probably had -- I probably had it in my hand. I
15 don't remember all that.

16 Q. I'm sorry, you probably had it in your hand?

17 A. Yes, sir.

18 Q. So you just held the marijuana right here in your hand
19 like this?

20 A. Yes, sir.

21 Q. And then what did you do with it?

22 A. Put it in my back pocket.

23 Q. All right. And then you went to the store and got the
24 tobacco?

25 A. Yes, sir.

1 Q. And then you went to -- did you stop at "Monkey's" any
2 more?

3 A. Yeah.

4 Q. Okay. Tell me about that.

5 A. I stopped there and they was talking about somebody was
6 on Facebook and all that.

7 Q. Talking about what?

8 A. What had happened and all.

9 Q. Talking about what happened down at Connecticut
10 Village?

11 A. Yes, sir.

12 Q. And what were they saying on Facebook and all those
13 places?

14 A. It was like Frank done shot that boy and all of that.

15 Q. Do you know who was saying that on Facebook?

16 A. No, sir.

17 Q. Do you have Facebook, Mr. Bonner?

18 A. No, sir.

19 Q. So by the time you got back to "Monkey's" house, people
20 were already saying Frank?

21 A. Yes.

22 Q. Is that right?

23 A. Yes, sir.

24 Q. Okay. How long did you stay there?

25 A. I stayed there for few minutes, smoked the weed, like I

1 always do.

2 Q. You smoked the weed at Mary's house?

3 A. No, at Frank's house -- I mean in the trailer park at
4 "Monkey's" house.

5 Q. At "Monkey's" house?

6 A. Yeah, that's where I went to.

7 Q. Did you have the roll papers or did you have to get
8 them from Mary?

9 A. I had went to the -- when I got it from the store.

10 Q. Oh, okay, when you got your tobacco you got the rolling
11 papers then?

12 A. Yeah.

13 Q. Okay. When you dropped them off at Mary's house, did
14 you see Mary?

15 A. No, sir.

16 Q. Do you know if Mary was home?

17 A. No, sir.

18 Q. Do you know who lives with Mary?

19 A. Her mom and her kids.

20 Q. How many kids does she have?

21 A. About two or three.

22 Q. Little kids or teenagers?

23 A. Teenagers.

24 MR. MORIN: Just a moment, Your Honor.

25 (Off the record).

1 (Back on the record).

2 MR. MORIN: That's all the questions that I have,
3 Your Honor.

4 THE COURT: Yes, ma'am.

5 MS. RACINE: If it please the court.

6 CROSS EXAMINATION BY MS. RACINE:

7 Q. Good morning, Mr. Bonner.

8 A. Good morning.

9 Q. How are you?

10 A. All right.

11 Q. I want to follow up with you on a couple of things that
12 you have already talked to Ms. Leskanic and Mr. Morin about,
13 okay?

14 You said that you knew Frank and you saw him at
15 "Monkey's", right?

16 A. Yes, sir -- I mean yes, ma'am.

17 Q. Okay. Who was standing outside talking to Rajshun and
18 "T"?

19 A. Yes, ma'am.

20 Q. You didn't hear anything that they were saying, did
21 you?

22 A. No, ma'am.

23 Q. And Frank didn't have that gun in his hand at any time
24 during that conversation, did he?

25 A. No, ma'am.

1 Q. Okay. All right.

2 And then I believe you said you wanted to go buy some
3 drugs?

4 A. Yes, ma'am.

5 Q. And so Rajshun said "I know somebody. Let's go buy
6 some drugs," and you said "okay, let's go." You got in the
7 back seat of the car?

8 A. Yes, ma'am.

9 Q. Okay. And you said "T" got in the front seat with
10 Rajshun and then Frank got in the back seat with you, is
11 that right?

12 A. Yes, ma'am.

13 Q. And at some point when you got in the back seat with
14 you he's got a gun, correct?

15 A. Yes, ma'am.

16 Q. Okay. Now, is there anything that makes you think that
17 Rajshun even saw that gun in the car?

18 A. I don't know.

19 Q. He didn't say "Frank, why do you got the gun in my
20 car?"

21 A. Uh-uh.

22 Q. "Frank, that's a big gun." He didn't -- he didn't even
23 acknowledge that the gun was there, did he?

24 A. I don't know.

25 Q. So you don't know if he knew or not?

1 A. No, ma'am.

2 Q. You know he had a gun?

3 A. Yes, ma'am.

4 Q. Okay. I believe you also said earlier that after all
5 this allegedly happened and Frank was in the back seat, you
6 couldn't tell he had a gun because you were in the front
7 seat, right?

8 A. Yes, ma'am.

9 Q. Okay. It's hard to see from that front seat what's
10 going on in that back seat?

11 A. Yes, ma'am.

12 Q. Okay. And you gave three different statements in this
13 case, is that right?

14 A. Yes, ma'am.

15 Q. And I believe the first one was on July 18th of 2014.
16 Does that sound right?

17 A. (Shaking head yes).

18 Q. Yes?

19 A. Yes, ma'am.

20 Q. Okay. Just making sure. I don't know if that's a yes
21 or a no.

22 And then the second statement that you gave was on
23 July 21st, 2014. Does that sound right?

24 A. I can't remember back that far.

25 Q. Okay. All right.

1 Well, I know you went over these statements this
2 morning with your attorney, okay?

3 And then the third statement you gave would have been
4 later on in August. Does that sound about right?

5 A. Yes, ma'am.

6 Q. So you gave three statements over the course of maybe
7 two to three weeks, does that sound right?

8 A. Yes, ma'am.

9 Q. And your first statement on July 18th would have been,
10 what, about almost a month after this happened, right?

11 A. Yes, ma'am.

12 Q. So it happened in June, approximately in August -- or
13 excuse me, July.

14 And do you remember who you met with that day?

15 A. Ma'am?

16 Q. Do you remember which officers you talked to that day?

17 A. Spike and that other one.

18 Q. Spike? Agent McCraw?

19 A. Yes, ma'am.

20 Q. Okay. And did you write this statement?

21 A. No, ma'am.

22 Q. Who wrote this statement?

23 A. Spike.

24 Q. Spike. Agent McCraw wrote this statement?

25 A. Yes, ma'am.

1 Q. Okay. And he asked you to tell him the truth, didn't
2 he?

3 A. Yes, ma'am.

4 Q. Okay. The whole truth and nothing but the truth,
5 right?

6 A. Yes, ma'am.

7 Q. And he wanted you to tell him everything that you knew
8 about what happened that day?

9 A. Yes, ma'am.

10 Q. And you said "okay, I will?"

11 A. Yes, ma'am.

12 Q. Okay. I know you testified earlier today that when you
13 picked Frank and "T" back up, they got in the car and Frank
14 was upset, and Rajshun looked at Frank and said "where did
15 you shoot him?"

16 You reviewed this statement this morning, right?

17 A. Yes, ma'am.

18 Q. Did you see anything in any of your three statements to
19 that effect? Did you say that in any of your statements?

20 A. Not that I remember, no.

21 Q. Okay. So no, that statement is not in any of these
22 statements?

23 A. Yes, ma'am.

24 Q. Where you promised to tell the truth, the whole truth
25 and nothing but the truth?

1 A. Yes, ma'am.

2 Q. And I'm -- you had a good relationship with Agent
3 McCraw, right? You felt like you could talk to him about
4 things?

5 A. Yes, ma'am.

6 Q. And did he tell you "you know, Antron, "Red", if you
7 think of anything afterwards you wrote these statements, you
8 can call me anytime and we can get together and we can work
9 on the statements again?"

10 A. Yes, ma'am.

11 Q. Okay. Did you call him at any time to tell him that
12 you had more information?

13 A. No, ma'am. I was working at the time.

14 Q. What about 2015? Did you call him in 2015 and say "I
15 have got something to add I forgot?"

16 A. No, ma'am, he didn't never give me his number.

17 Q. Okay. Well, how about Detective Burgess at the
18 sheriff's office? He's right here in town. I believe you
19 met with him too, right?

20 A. Yes, ma'am.

21 Q. So you could have called him if you thought of anything
22 else, right, at the sheriff's office?

23 A. I didn't let them know.

24 Q. So you never contacted him in 2014 or '15.

25 You never contacted him or Agent McCraw in 2016, right?

1 A. Yes, ma'am.

2 Q. You contacted neither one of them in 2017, or 2018,
3 correct?

4 A. Yes, ma'am.

5 Q. Have you contacted them so far this year to change your
6 statement?

7 A. No, ma'am.

8 Q. So you're facing a murder charge, right?

9 A. Yes, ma'am.

10 Q. And you met with Ms. Leskanic and she has told you "if
11 you help me put these two guys in prison, I will reduce your
12 murder charge to a much lesser charge," is that correct?

13 A. No, ma'am.

14 Q. No, ma'am?

15 A. No, ma'am.

16 Q. So your charge is not being reduced?

17 A. She said I could be looking at the same amount of time
18 they could be facing.

19 Q. Okay. So what she's offered you would put you in
20 prison for the same amount of time as murder?

21 A. Yes, ma'am.

22 Q. Okay. But after you met with her --

23 The first time that you have ever testified that
24 Rajshun even acted like he knew something had happened was
25 after that meeting with her, right?

1 A. Ma'am?

2 Q. After your meeting with the State's attorney, that was
3 the first time you ever said to anybody "Rajshun asked where
4 did you shoot him?"

5 A. Yes, ma'am.

6 Q. Okay. That's a pretty important fact, don't you think?

7 A. (No response).

8 Q. Pretty important?

9 A. Yes, ma'am.

10 Q. Yeah, somebody is trying to help somebody commit a
11 murder and they say "where did you shoot him," you would
12 think the police would want to know that, wouldn't you?

13 A. (No response).

14 Q. Yeah?

15 But you never told the police that at all, did you?

16 A. No, ma'am.

17 Q. Okay. And let me just follow up with a few more things
18 about what happened down in the village that day, okay?

19 You said that you went in there and you pulled by a
20 dumpster and Rajshun got out and talked to "Slick", right?

21 A. Yes, ma'am.

22 Q. Okay. From some of the testimony we heard yesterday,
23 you went to "Slick" to go see about the marijuana. Do you
24 think that you --

25 MS. LESKANIC: Objection.

1 MS. RACINE: Withdrawn, Your Honor.

2 BY MS. RACINE:

3 Q. Do you think that he was trying to get marijuana from
4 "Slick"? That was your goal?

5 A. I don't know.

6 Q. But you didn't hear any of that conversation?

7 A. No, ma'am.

8 Q. But you could see them talking?

9 A. Yes, ma'am.

10 Q. Did you see Rajshun attack "Slick" in any way?

11 A. No, ma'am.

12 Q. Did he push him?

13 A. No, ma'am.

14 Q. Punch him?

15 A. No.

16 Q. Yell at him? Could you tell by his body language that
17 he was mad or upset?

18 A. No, ma'am.

19 Q. Okay. Just two friends talking and talking like.

20 How about when Rajshun got back in the car?

21 A. He didn't say anything.

22 Q. He didn't bang on his steering wheel and say "I'm so
23 tired of him." That was just like normal?

24 A. Yes, ma'am.

25 Q. Just like because you are a friend?

1 A. Yes.

2 Q. And you guys just drove off in the back and he got out
3 and talked to somebody else?

4 A. Yes, ma'am.

5 Q. Okay. And he got you some marijuana?

6 A. (Shaking head yes).

7 Q. Yeah?

8 A. Yes, ma'am, got us some marijuana.

9 Q. Okay. And then he stood out there and talked to that
10 man for a few minutes too, right?

11 A. Yes, ma'am.

12 Q. While you sat in the car?

13 A. Yes, ma'am.

14 Q. Could you hear anything they said?

15 A. No, ma'am.

16 Q. Okay. You were looking at the marijuana?

17 A. Yes, ma'am.

18 Q. Yeah, trying to think about getting home and smoking
19 it, right?

20 A. Yes, ma'am.

21 Q. Okay. And then you say that right after that Rajshun
22 got a phone call?

23 A. Yes, ma'am.

24 Q. Do you know who that call was from?

25 A. No, ma'am.

1 Q. Do you know what that call was about?

2 A. No, ma'am.

3 Q. You didn't hear Rajshun say hey, so and so, you know?

4 So you don't know who it was?

5 A. No, ma'am.

6 Q. You don't know what he was talking about?

7 A. No, ma'am.

8 Q. You say while you were sitting there a little boy came
9 by and said he heard a car explosion?

10 A. Yes, ma'am.

11 Q. And you are sure it was a little boy?

12 A. Yes, ma'am.

13 Q. Okay. And then Rajshun turned around and left the
14 village right then?

15 A. Yes, ma'am.

16 Q. He didn't go back over to that first set of -- or first
17 trash can that you went to initially and sit there?

18 A. No, ma'am.

19 Q. He didn't park anywhere else in the complex?

20 A. No, ma'am.

21 Q. When you drove over to Mary's house did Rajshun get
22 out?

23 A. No, ma'am.

24 Q. On the way there did Rajshun say anything about what
25 happened down there?

1 A. No, ma'am.

2 Q. Okay. "Did you kill "Slick"?" He didn't say that, did
3 he?

4 A. Yes, ma'am.

5 Q. You would have put that in your statement, though, if
6 he said it, wouldn't you?

7 A. That's what I said he said.

8 Q. Okay. A few minutes ago you said that that wasn't in
9 your statement, that you never put that in your statement?

10 A. No, ma'am.

11 Q. Okay. And you would have put it in there if it was
12 important? You would have wanted the police to know?

13 A. Yes, ma'am.

14 Q. Okay.

15 MS. RACINE: Court's indulgence, Your Honor.

16 THE COURT: Yes.

17 (Off the record).

18 (Back on the record).

19 MS. RACINE: That's all the questions that I have,
20 Your Honor.

21 THE COURT: Yes, ma'am.

22 MS. LESKANIC: Thank you, Your Honor.

23 REDIRECT EXAMINATION BY MS. LESKANIC:

24 Q. Mr. Bonner, Ms. Racine talked about three statements
25 that you gave to police. Were they three different

1 statements, or were they three statements that contained
2 additional information when you were trying to provide
3 information to law enforcement?

4 A. (Unintelligible answer).

5 Q. Okay. So in any of those statements did you say "my
6 first statement was a lie. Let me now tell you the truth?"

7 A. No, ma'am.

8 Q. You just were giving additional information to law
9 enforcement?

10 A. What?

11 Q. Were you giving additional information to law
12 enforcement about what happened on June 22nd?

13 A. Yes, ma'am.

14 Q. And, in fact, on the third statement it was your aunt
15 who contacted law enforcement and says "Antron wants to tell
16 you more," is that correct?

17 A. Yes, ma'am.

18 Q. Okay. And there is -- you did give a prior sworn
19 statement, other than those three statements, where you said
20 Rajshun asked "where did you shoot him," is that correct?

21 A. Yes, ma'am.

22 Q. Okay. So you have given that information before today?

23 A. Yes, ma'am.

24 Q. So when --

25 And in those statements that you gave to police back in

1 2014, did you identify Rajshun Foster?

2 A. Yes, ma'am.

3 Q. As the driver of the car?

4 A. Yes, ma'am.

5 Q. Who dropped off "T" and Frank?

6 A. Yes, ma'am.

7 Q. Who picked them up after the shooting?

8 A. Yes, ma'am.

9 Q. And dropped them off at Mary's house?

10 A. Yes, ma'am.

11 Q. And in those statements that you provided to police
12 back in 2014, did you identify Frank Dover?

13 A. Yes, ma'am.

14 Q. As the man who got the rifle out of the car?

15 A. Yes, ma'am.

16 Q. With the glove?

17 A. Yes, ma'am.

18 Q. Went down the wooded trail?

19 A. Yes, ma'am.

20 Q. Came back to the car?

21 A. Yes, ma'am.

22 Q. Picked up by Rajshun Foster?

23 A. Yes, ma'am.

24 Q. And then said "get me out of here. Get me out of here
25 out of this side of town?"

1 A. Yes, ma'am.

2 Q. Rajshun Foster said "where did you shoot him?"

3 A. Yes, ma'am.

4 Q. And Frank Dover says "I shot him in the chest area?"

5 A. Yes, ma'am.

6 Q. And that's the information that you provided to police
7 in 2014, is that correct?

8 A. Yes, ma'am.

9 Q. And this happened -- is that the same information that
10 you were providing the ladies and gentlemen of this jury
11 today?

12 A. Yes, ma'am.

13 Q. Now, how much was the marijuana that y'all were going
14 in on?

15 A. Ten dollars worth.

16 Q. So five dollars for each of you?

17 A. Yes, ma'am.

18 Q. So this wasn't a -- you didn't need hundreds of dollars
19 to buy this marijuana? You needed a five dollar bill?

20 A. Yes, ma'am.

21 Q. Did you already have money with you?

22 A. Yes, ma'am.

23 Q. So you had money for the marijuana and money for your
24 grandmother's tobacco?

25 A. I think she had gave me a couple dollars. I already

1 had a couple dollars.

2 Q. Okay. So you had enough money for both?

3 A. Yes.

4 Q. Now, Ms. Racine asked if you said after meeting with
5 the State's attorney about what Rajshun said. You and I
6 have met, is that correct?

7 A. Yes, ma'am.

8 Q. I have met with you and your lawyer?

9 A. Yes, ma'am.

10 Q. During any of those meetings have I ever told you what
11 to say?

12 A. No, ma'am.

13 Q. What have I asked of you, Mr. Bonner?

14 A. To tell the truth and nothing but the truth.

15 Q. And is that what you are doing to this jury today?

16 A. Yes, ma'am.

17 Q. Have I promised you anything?

18 A. No, ma'am.

19 Q. Threatened you in any way?

20 A. No, ma'am.

21 Q. Did you want to come and testify as to what happened
22 that day?

23 A. No, I didn't, but I had to.

24 Q. And why did you have to?

25 A. Because y'all say that I done it, that I was in it, and

1 I was -- tell them I didn't do nothing but get a sack.

2 Q. So you are here because you don't want to go down for a
3 murder you didn't know was going to happen?

4 A. Yes, ma'am.

5 Q. But they put you in the car with them to commit this
6 murder?

7 A. Yes, ma'am.

8 Q. Were they -- were you friends with Rajshun, or did you
9 think that you were friends with Rajshun?

10 A. Yes, ma'am.

11 Q. Did you think Frank Dover was your friend?

12 A. Yes, ma'am.

13 Q. So you trusted them?

14 A. Yes, ma'am.

15 Q. And they put you in the car with them to commit murder?

16 A. Yes, ma'am.

17 Q. Now, did you pay attention when Frank and "T" got back
18 in the car? How was the car positioned and where did they
19 get into the car?

20 A. It was like in the wooded area and got into the back
21 seat.

22 Q. Did they come up behind the car?

23 A. They --

24 Q. Do you remember seeing them come out through the woods
25 and get into the car? Were you watching them come out of

1 the woods?

2 A. I don't remember.

3 Q. Okay. But both of them got back in the car?

4 A. Yes, ma'am.

5 Q. All right. And do you remember if you saw a gun with
6 either one of them when they got back in the car?

7 A. No, ma'am.

8 Q. Okay. You didn't, or you don't remember?

9 A. I don't remember.

10 Q. Do you remember if you saw either one of them get out
11 of the car at Mary's house with a gun?

12 A. I don't remember.

13 Q. Okay. Was the gun left in the back of the Kia Soul?

14 A. If it was, it was in there with Rajshun.

15 Q. Okay. You didn't have it?

16 A. No, ma'am.

17 Q. And you don't remember if you saw it or not?

18 A. No, ma'am.

19 Q. Now, when Agent McCraw wrote your statements, did he
20 just write what he wanted to write, or did he write down
21 what you told him to write?

22 A. Wrote down what I was telling him.

23 Q. Did Rajshun Foster say --

24 When Frank Dover got back in the car and said "drive,
25 drive, get me out of here," did Rajshun Foster say "where

1 did you shoot him?"

2 A. Yes, ma'am.

3 Q. Thank you.

4 THE COURT: Anything?

5 MR. MORIN: Nothing from me, Your Honor.

6 MS. RACINE: May we approach?

7 (Whereupon, the lawyers approached the bench for
8 an off-the-record discussion)

9 MS. LESKANIC: Thank you, Your Honor.

10 THE COURT: Anything?

11 MS. RACINE: Nothing, Your Honor.

12 THE COURT: All right. Sir, you may step down.

13 Please be careful.

14 MS. LESKANIC: The State calls Mary Davis.

15 THE CLERK: Please raise your right hand and place
16 your left your -- no, raise your right hand. Raise your
17 right hand.

18 MARY DAVIS, having been first duly sworn,
19 testified as follows:

20 THE WITNESS: I do.

21 THE CLERK: Watch your step.

22 THE COURT: Ma'am, tell us your full name and
23 spell your last name, please.

24 THE WITNESS: Mary Davis, D-A-V-I-S.

25 THE COURT: Thank you.

1 Solicitor.

2 MS. LESKANIC: Thank you.

3 DIRECT EXAMINATION BY MS. LESKANIC:

4 Q. Good morning, Ms. Davis.

5 A. Good morning.

6 Q. I want to take you back to 2014, and a little bit
7 before that. Do you know Franklin Dover?

8 A. Yes.

9 Q. And how do you know him?

10 A. We was dating.

11 Q. You were dating in 2014?

12 A. Uh-huh.

13 Q. Do you see him in the courtroom today?

14 A. Yes, ma'am.

15 Q. What is he wearing?

16 A. Orange and red striped shirt.

17 MS. LESKANIC: Your Honor, I would like the record
18 to reflect she's identified Franklin Dover.

19 THE COURT: So noted.

20 MS. LESKANIC: Thank you, Your Honor.

21 BY MS. LESKANIC:

22 Q. How long were you and Mr. Dover dating? When did you
23 start dating, approximately?

24 A. Approximately about 2004 or five, one of those two.

25 Q. Okay. Started dating in 2004 or five, and you were

1 still dating in 2014?

2 A. Uh-huh.

3 Q. And did you continue to date after 2014?

4 A. Yeah.

5 Q. How long -- are y'all still dating now?

6 A. No.

7 Q. When did y'all stop dating?

8 A. Probably about a year ago.

9 Q. Okay. Why did y'all stop dating?

10 A. He moved in with his girlfriend.

11 Q. Okay. He moved in with another woman?

12 A. Yeah.

13 Q. Okay. You were aware of that girlfriend when you were
14 dating him in 2014, though, is that correct?

15 A. Yes, ma'am.

16 Q. Okay.

17 Now, I want to take you back to June 22nd of 2014.

18 Where were you living at the time?

19 A. [REDACTED] Littlejohn Street.

20 Q. Did you see Frank Dover on June 22nd, 2014?

21 A. Yes.

22 Q. All right. Approximately what time did you see him?

23 A. About five.

24 Q. Around five?

25 A. Uh-huh.

1 Q. A.m. or p.m.?

2 A. P.m..

3 Q. P.m.. All right. So about five in the afternoon.

4 Where do you see him?

5 A. He was walking up to the house.

6 Q. He was walking up to your house on Littlejohn Street?

7 A. Uh-huh.

8 Q. Where were you?

9 A. In the house, in the kitchen.

10 Q. Did you see him walk up or how he got to your home?

11 A. No, I didn't see how he got there. I just seen him
12 walk up.

13 Q. Okay. So tell the jury what you saw. How were you
14 first made aware that Frank Dover was at your house?

15 A. I was washing dishes and I looked up and he was out
16 there.

17 Q. Okay. Just coming into the house?

18 A. He was like coming in the yard.

19 Q. Okay. And was he alone?

20 A. No, sir -- no, ma'am, I'm sorry.

21 Q. That's okay.

22 Who was he with?

23 A. Terence.

24 Q. Okay. Do you know his nickname?

25 A. "T".

1 Q. "T". All right.

2 So Frank and "T" walked up to your house somewhere
3 around five o'clock?

4 A. Yes, ma'am.

5 Q. Okay. And what happens when they come in? Did they
6 come into the house?

7 A. Yes, ma'am.

8 Q. All right. Tell the ladies and gentlemen of the jury
9 what happens when they come in, please.

10 A. He was in the bedroom. When he came and asked me
11 was -- he was ready to go and I told him yes, and he went to
12 the bedroom.

13 Q. Okay. Who went to the bedroom?

14 A. Frank.

15 Q. All right. Did you go in the bedroom with him?

16 A. Yeah.

17 Q. What did he do when he got in the bedroom?

18 A. Changed his clothes.

19 Q. What did he take off? You don't have to tell me
20 exactly what the clothes were, but what items of clothing
21 did he take off?

22 A. The white pants and a shirt.

23 Q. So he took of his pants and his shirt?

24 A. Uh-huh.

25 Q. And what did he do with those things?

1 A. Put them inside the bag.

2 Q. Okay. Did he put it in something before he put it in
3 the bag?

4 A. A little shoe box, but I don't know if he -- I don't
5 know.

6 Q. Had Frank recently purchased a pair of shoes that he
7 was wearing that day?

8 A. No. No, ma'am.

9 Q. Was there a shoe box under your bed that belonged to
10 Frank?

11 A. Yeah.

12 Q. And did he put his shirt and his pants inside that shoe
13 box?

14 A. Yes, ma'am.

15 COURT REPORTER: Speak up, please.

16 A. Yes, ma'am.

17 BY MS. LESKANIC:

18 Q. And what did he do with the shoe box containing his
19 shirt and pants?

20 A. Just set it right there a couple of minutes.

21 Q. He put that shoe box into something else?

22 A. A bag.

23 Q. And then what was done with that bag containing his
24 clothes?

25 A. It was left there.

1 Q. Okay.

2 A. And when we left, it was left there as well.

3 Q. Okay. And so you said when Frank walked in, he said
4 "are you ready to go?"

5 A. Yes, ma'am.

6 Q. Where were y'all supposed to go that day?

7 A. Spartanburg to one of his family member's house.

8 Q. For what?

9 A. Somebody -- one of his cousins was getting out of jail.
10 They were having a coming home party.

11 Q. Okay. So did y'all go straight to that house in
12 Spartanburg?

13 A. No, we stopped by the Westgate Mall.

14 Q. Okay. Before we get to Westgate Mall, Frank and "T"
15 come into the house?

16 A. Uh-huh. Yes, ma'am.

17 Q. Frank takes his clothes off and puts on -- did he have
18 clean clothes at your house?

19 A. Yes, ma'am.

20 Q. And he puts the clothes that he was wearing in his shoe
21 box, puts that shoe box in a bag?

22 A. Yes, ma'am.

23 Q. In the years that you have been knowing Frank, did he
24 ever put his clothes in a shoe box before?

25 A. No, ma'am, I don't know.

1 Q. Okay. Now, how long were y'all at your house before
2 you left?

3 A. Probably about fifteen minutes.

4 Q. So not very long?

5 A. No, ma'am.

6 Q. Did "T", or Terence, take his clothes off while he was
7 at your house?

8 A. No, ma'am.

9 Q. How did you -- did you have a car, or did y'all borrow
10 a car?

11 A. My cousin -- we borrowed my cousin's car.

12 Q. Was she at your house?

13 A. Yes, ma'am.

14 Q. So you asked her while they were there if you could
15 borrow the car?

16 A. Yes, ma'am.

17 Q. And then you were going to go to Westgate Mall?

18 A. Yes, ma'am.

19 Q. But you weren't -- whose idea was it to go to Westgate
20 Mall?

21 A. His.

22 Q. His, being who?

23 A. Frank.

24 Q. Okay. So Frank wanted to go -- you thought you were
25 going to a cookout in Spartanburg, but he said "let's go to

1 Westgate Mall"?

2 A. Yeah. He was going to buy something.

3 Q. Okay. But you didn't have any knowledge of that before
4 he got there? You thought -- you just testified y'all were
5 going to a cookout --

6 A. Yeah.

7 Q. -- correct?

8 A. Correct.

9 Q. So y'all get into the car. Does "T" get into the car
10 with you?

11 A. Yes.

12 Q. Does "T" go to Westgate Mall with you?

13 A. No, ma'am.

14 Q. Where does "T" get out?

15 A. He got dropped off on the little road in front of the
16 trailer park.

17 Q. Okay. I'm going to show you State's Exhibit 24 and see
18 if by looking at this exhibit you would be able to tell the
19 ladies and gentlemen of the jury where you lived and where
20 you dropped "T" off?

21 A. Uh-huh. Yes, ma'am.

22 Q. Okay.

23 MS. LESKANIC: Your Honor, at this time I offer
24 State's Exhibit 24 for admission as evidence.

25 MR. MORIN: I have no objection.

1 MS. RACINE: No objection.

2 THE COURT: Without objection, 24 is admitted.

3 (Whereupon, State's Exhibit No. 24 was entered
4 into the record as evidence)

5 MS. LESKANIC: May I publish.

6 THE COURT: Yes, ma'am.

7 MS. LESKANIC: Thank you, Your Honor.

8 BY MS. LESKANIC:

9 Q. Okay, Ms. Davis, if you don't mind stepping down.

10 If you could show the ladies and gentlemen of the jury
11 where your house was and what route you took to drop "T"
12 off, please? Be careful coming down.

13 (Witness off the witness stand).

14 A. I lived right there.

15 BY MS. LESKANIC:

16 Q. Please speak up loud enough so that the court reporter
17 can hear you, please.

18 A. I stayed here.

19 Q. Okay. You stayed on Littlejohn Street?

20 A. Yes, ma'am.

21 Q. All right. And then where did y'all take "T"?

22 A. Down this road right here.

23 Q. So to that stop sign on Sarratt Avenue?

24 A. Yes, ma'am.

25 Q. And where is Mcentire Mobile Home Park?

1 A. Across.

2 Q. Okay. All of those mobile homes to the -- across the
3 road, that's Mcentire Mobile Home Park?

4 A. Yes.

5 Q. And which way did y'all go?

6 A. There.

7 Q. And did you take -- how did you get to Westgate Mall?

8 A. 85.

9 Q. You took Interstate 85?

10 A. Yes, ma'am.

11 Q. Okay.

12 (Witness back on the witness stand).

13 BY MS. LESKANIC:

14 Q. Did you make any stops along the way? Other than
15 dropping "T" at the stop sign, did you head straight to
16 Westgate Mall?

17 A. Yes, ma'am.

18 Q. What time you did you arrive at the mall?

19 A. About 5:30.

20 Q. 5:30?

21 A. Yes, ma'am.

22 Q. And what did you do when you got to the mall?

23 A. We went to the mall, but they was getting ready to
24 close, so --

25 Q. Do you remember what day of the week it was?

1 A. Sunday.

2 Q. What time does the mall close on Sunday?

3 A. Six o'clock.

4 Q. So you got there I think 5:30, or closer to six o'clock
5 and the mall was closing?

6 A. It was close to six o'clock because the store I was
7 going in was closed.

8 Q. So you were able to go into the mall?

9 A. Uh-huh.

10 Q. But you went in and you tried to go to the store?

11 A. Uh-huh.

12 Q. And that store was already closed?

13 A. Yes, ma'am.

14 Q. And the mall closes at six o'clock?

15 A. (Shaking head yes).

16 Q. All right. And did Mr. Dover go into the mall?

17 A. Yes, ma'am.

18 Q. Did he buy anything at the mall?

19 A. No, ma'am.

20 Q. After you went to your store and it was already closed,
21 what did you do?

22 A. Went and got back in the car.

23 Q. Okay. And waited on Mr. Dover?

24 A. Yes, ma'am.

25 Q. Did he come back out?

1 A. Yes, ma'am.

2 Q. And then where did the two of you go from there?

3 A. To his cousin's house.

4 Q. Okay. Did you notice if Mr. Dover had his phone with
5 him when he was in the car with you?

6 A. No, ma'am.

7 Q. You don't remember that?

8 A. No, ma'am.

9 Q. Do you remember giving a statement to law enforcement
10 back on July 10th of 2014?

11 A. Uh-uh.

12 Q. You don't remember that?

13 A. (Shaking head no).

14 MS. LESKANIC: May I approach, Your Honor?

15 THE COURT: Yes, ma'am.

16 BY MS. LESKANIC:

17 Q. Let me show you these three pages and you take a moment
18 and look through that and tell me if you recognize it.

19 A. (Witness examining document).

20 Q. Does that refresh your memory? Is this the statement
21 that you gave police and signed?

22 A. Yes, ma'am.

23 Q. Okay. Did you have an opportunity to read it, or do
24 you need to read it?

25 A. I did.

1 Q. I'm sorry?

2 A. I glanced over it.

3 Q. Okay. Do you remember now whether or not Mr. Dover had
4 a phone with him when he was in the car with you on the way
5 to Westgate Mall?

6 A. He had a phone.

7 Q. I'm sorry?

8 A. He had a phone, but I don't remember him talking on it.

9 Q. Okay. I just asked if he had a phone with him.
10 He did have his phone with him?

11 A. Yes, ma'am.

12 Q. But you don't remember him receiving or making any
13 calls, is that correct?

14 A. No, ma'am.

15 Q. Okay.

16 Now, the clothes that he took off, put in the shoe box
17 and put in the bag, did he leave those at your home?

18 A. Yes, ma'am.

19 Q. And what did you do with those clothes?

20 A. I put them on the porch, because his friend was
21 supposed to come and picked them up.

22 Q. Who was his friend?

23 A. "Woot".

24 Q. And how did "Woot" know to come and pick up Frank's
25 clothes?

1 A. I called him and told him to come get them. I called
2 and told him that Frank said to come pick it up.

3 Q. Okay. So --

4 A. Or he was going to pick it up later.

5 Q. Did Frank ask you to call his friend "Woot" to come
6 pick up his clothes?

7 A. Yes, ma'am.

8 Q. And did you make that phone call for Frank to "Woot"?

9 A. Yes, ma'am.

10 Q. And did "Woot" come and get Frank's clothes?

11 A. Yes, ma'am.

12 Q. Do you know what happened to the clothes after that?

13 A. No, ma'am.

14 Q. Now, did Frank ever come to you and ask you to tell
15 police that y'all had been together longer that day than you
16 had been together?

17 A. He just said to tell them that we went to Spartanburg,
18 which that's what we done. We went to Spartanburg.

19 Q. And what else did he say?

20 A. That we went about 3:15.

21 Q. Okay. So Frank came to you and said "tell the police
22 we went to Spartanburg?"

23 A. Yeah.

24 Q. And you said "we did go to Spartanburg?"

25 A. Uh-huh.

1 Q. And he said "tell them that we went at 3:15?"

2 A. Yeah.

3 Q. Is that correct?

4 A. Yes, ma'am.

5 Q. But he didn't show up to your house until somewhere
6 around five, correct?

7 A. Yes, ma'am.

8 Q. You are at your house for approximately fifteen
9 minutes?

10 A. Yes, ma'am.

11 Q. You drive straight to Westgate Mall?

12 A. Yes, ma'am.

13 Q. And you arrived at the mall at closing time, which is
14 six o'clock on Sundays?

15 A. Yes, ma'am.

16 Q. And made no other stops along the way?

17 A. No, ma'am.

18 MS. LESKANIC: One second, please.

19 (Off the record).

20 (Back on the record).

21 BY MS. LESKANIC:

22 Q. I think that's all the questions that I have for you.
23 Please answer any questions of the defense.

24 THE COURT: Yes, sir.

25

1 CROSS EXAMINATION BY MR. MORIN:

2 Q. During the time that you were dating Frank, he was also
3 seeing Brittany Watkins, wasn't he?

4 A. Yes.

5 Q. And you knew about that?

6 A. Yeah.

7 Q. Did Brittany know, or if you know if Brittany knew,
8 y'all were dating?

9 A. I don't know if she knew or not.

10 Q. Okay. And did Frank keep a lot of clothes at your
11 house?

12 A. No, he had about one or two pieces.

13 Q. Okay.

14 Now, when he got there, did you see if he was carrying
15 anything in his hand?

16 A. No, he had a Hennessy bottle. That was it. That's all
17 I remember seeing.

18 Q. He was carrying a Hennessy bottle?

19 A. Yeah.

20 Q. Okay. Now, I know what Hennessy is, but I'll be honest
21 that I don't know about how big a bottle Hennessy is. Can
22 you tell me what size bottle you saw him carrying?

23 A. It wasn't --

24 Q. Hand side -- I don't even know what Hennessy comes in.

25 A. It wasn't a small one. It was -- it was about -- about

1 like that.

2 Q. Okay.

3 How many -- how many phones does Frank have, do you
4 know? Does he have more than one?

5 A. I just seen one.

6 Q. Okay.

7 Now, you say it was five o'clock and that you were
8 going to a cookout because somebody he knew was getting out
9 of jail?

10 A. Yeah.

11 Q. A relative of his was getting out of jail?

12 A. Yes, sir.

13 Q. And was there a cookout?

14 A. Yes, sir.

15 Q. Did the relative get home? Did he show up, the person
16 you were there for?

17 A. I don't know.

18 Q. You don't remember?

19 A. No, I just know we went there.

20 Q. Okay.

21 Now, when -- who else was at your house when he got
22 there when you seen him?

23 A. My mom, my kids, and my brother.

24 Q. How old is his brother?

25 A. Now he's thirty-two.

1 Q. Okay. And your kids, were they young or teenagers?

2 A. They was teenagers.

3 Q. Both young?

4 A. Yeah, they was teenagers.

5 Q. Okay. So they were all there too?

6 A. Uh-huh.

7 Q. When you talked to Frank and Frank said, "you know, we
8 went to Spartanburg," you were having that conversation, do
9 you remember that?

10 A. Yes, sir.

11 Q. Now --

12 Let me ask you this. Did you say it was about five
13 o'clock when you got there?

14 A. Yes, sir.

15 Q. Would you tell me why you remember it was five o'clock?

16 A. Sir?

17 Q. Can you tell me why you knew it was five o'clock? Did
18 you look at the clock? Was there something going on, or was
19 it that's when he was supposed to be there?

20 A. No, I just knew it was five o'clock, because by the
21 time we got to the Westgate Mall it was about time to close.

22 Q. You based it off of that?

23 A. Yes.

24 Q. Okay.

25 And now these two people, Frank and "T", came into your

1 house, they didn't have anything -- any guns with them, did
2 they?

3 A. No, sir.

4 Q. You would have noticed that?

5 A. Yes, sir.

6 Q. And when they -- when you saw them coming up to the
7 house or about to get in the yard, I think is what you said?

8 A. Uh-huh.

9 Q. Just standing on the street directly in front of the
10 house? I know it's kind of a long time ago.

11 A. What are you saying?

12 Q. Well, let me put it this way. Most houses, they have
13 like a pathway or a sidewalk or something that comes up to
14 the house?

15 A. No.

16 Q. Or a fence around the house with a gate. Nothing like
17 that?

18 A. No.

19 Q. So when you say about to get into -- he's about to come
20 in the yard, which is what you told Ms. Leskanic --

21 A. Uh-huh.

22 Q. -- what does that mean?

23 A. I mean like he was walking on the road.

24 Q. Walking on the road?

25 A. Like coming in.

1 Q. Okay.

2 A. Yeah.

3 MR. MORIN: That's all the questions that I have.

4 THE COURT: Yes, ma'am.

5 CROSS EXAMINATION BY MS. RACINE:

6 Q. Ms. Davis, did you ever see Rajshun Foster that day?

7 A. No.

8 Q. Thank you.

9 MS. RACINE: No further questions.

10 THE COURT: Anything?

11 MS. LESKANIC: No, sir, Your Honor.

12 THE COURT: Ma'am, you may step down. Please be
13 careful.

14 Let's take fifteen minutes.

15 Mr. Foreman, ladies and gentlemen, we have been
16 running now a good hour and a half, so we are going to take
17 a break at this point in time and then we will come back and
18 run up to the lunch hour.

19 Don't talk about the case. It's not ended at this
20 time. Thank you.

21 Mr. Foreman.

22 Again, if anybody needs to smoke, tell the
23 bailiffs and they will make sure to escort you out.

24 (The following takes place outside the presence of
25 the jury panel)

1 THE COURT: All right. Let's take a good fifteen
2 minutes.

3 (Whereupon, proceedings were recessed)

4 (Whereupon, proceedings were reconvened)

5 THE COURT: Ready for the jury?

6 MR. KENDALL: Yes, sir, Your Honor.

7 THE COURT: We will have the jury.

8 (The following takes place in the presence of the
9 jury panel)

10 THE COURT: Any matters for the jury, Mr. Foreman?

11 JURY FOREPERSON: No.

12 THE COURT: Ready to go.

13 Solicitor.

14 MR. KENDALL: Thank you, Your Honor.

15 The State would call Agent Cory Wilson.

16 THE CLERK: Please raise your right hand and put
17 your left hand on the Bible.

18 SLED AGENT CORY WILSON, having been first duly
19 sworn, testified as follows:

20 THE WITNESS: I do.

21 THE CLERK: Watch your step.

22 THE COURT: Sir, tell us your name and spell your
23 last name for the court reporter, please.

24 THE WITNESS: Cory Wilson, W-I-L-S-O-N.

25 THE COURT: Thank you.

1 Solicitor.

2 DIRECT EXAMINATION BY MR. KENDALL:

3 Q. Mr. Wilson, or Agent Wilson, where are you currently
4 employed?

5 A. SLED, the South Carolina Law Enforcement Division.

6 Q. How long have you worked there?

7 A. A little over two years.

8 Q. And what are your responsibilities at the South
9 Carolina Law Enforcement Division?

10 A. Cellphone analysis, as well as mapping as it pertains
11 to location, as well as assist in fugitive apprehension.

12 Q. Okay. And with regards to the cellphone mapping, what
13 sort of training did you undergo to learn how to do that?

14 A. Went through a SLED field training program that
15 consisted of learning how to analyze cellphone records and
16 mapping them according to locations.

17 Q. All right.

18 A. I have also been through a PLH-11 class, which is a
19 tool used by us to analyze -- assist and analyze records as
20 well.

21 Q. Okay. And in preparation for this case did you analyze
22 any phone records?

23 A. I did.

24 Q. I'm going to show you what is marked -- or, excuse me,
25 what has been admitted as State's Exhibit 25. If you could

1 take a look at that.

2 And does that appear to be the phone records that you
3 would have used in your analysis?

4 A. It does.

5 Q. And, likewise, I'm going to show you what has been
6 marked -- or admitted, excuse me, into evidence as State's
7 Exhibit 26. Do you recognize this as well?

8 A. I do. This is cell site locations.

9 Q. All right. And was that what you used for your
10 analysis as well?

11 A. It is.

12 Q. Okay. Now, just so we are clear with the jury, you are
13 not the first agent who has worked on this case, correct?

14 A. I am not.

15 Q. Do you recall who the original agent was that worked on
16 the case?

17 A. Lieutenant Mark Berube.

18 Q. Where is Lieutenant Berube now?

19 A. He's unavailable due to military obligations. I was
20 advised and reviewed the case and to be present today.

21 Q. All right. And so what did you do to review this case?
22 How did you go about reviewing it?

23 A. Looked over the mapping report to the extent of the
24 call detail records and going through and manually mapping
25 each transaction that was on the report and verifying what

1 was on there.

2 Q. Okay. So you looked back through it and manually
3 rechecked his work, is that correct?

4 A. Correct.

5 Q. And do you know what sort of technology was used in the
6 initial making of the report?

7 A. It appears that this case he used CASTFIZ, which is a
8 tool that's provided by the FBI for us to analyze records.

9 Q. All right. So when you were double-checking him, what
10 did you use?

11 A. When I double-checked it I manually did it. I used
12 GOBARZ and then a range rinx tool through GOBARZ to manually
13 do it.

14 Q. Okay. So basically he did it one way and then you
15 manually checked that on top of that as well?

16 A. Yes.

17 Q. I'm going to show you what is marked State's
18 Exhibit 27. Do you recognize this?

19 A. Yes, I do.

20 Q. And what is that?

21 A. It's a mapping report.

22 Q. Okay. And who originally prepared that?

23 A. Lieutenant Mark Berube.

24 Q. And have you had the opportunity to review that report?

25 A. I have.

1 Q. All right. And is the information that's contained in
2 there accurate, as far as you can tell, after you checked
3 that?

4 A. Yes.

5 Q. Okay. And is that a fair and accurate representation
6 of the analysis that was conducted in this case?

7 A. Yes.

8 MR. KENDALL: Your Honor, we would offer State's
9 Exhibit 27 into evidence at this time.

10 MR. MORIN: No objection.

11 MS. RACINE: No objection.

12 THE COURT: Without objection, State's Exhibit 27
13 is admitted.

14 (Whereupon, State's Exhibit No. 27 was entered
15 into the record as evidence)

16 MR. KENDALL: Anyway, we would request to publish
17 freely. It's multiple slides.

18 THE COURT: Yes.

19 BY MR. KENDALL:

20 Q. I should have asked this. When you were conducting
21 this slide show, was this in regards to cellular phone
22 number [REDACTED] -- [REDACTED] 2314?

23 A. That sounds correct.

24 Q. Okay. And could you please describe to the jury when
25 you are mapping these locations, what you do? What

1 information do you use to map this?

2 A. In this case Sprint provides call detail records, which
3 are transactions that are placed with the cellphone. In
4 turn, Sprint provides a cell location database of all the
5 towers that they service.

6 Q. All right. And did they provide you on that sheet
7 whose phone this was?

8 A. The subscriber information they did provide.

9 Q. Take a look at that front page. Oh, second page, I'm
10 sorry.

11 And whose -- whose information is that on file?

12 A. Franklin Dover.

13 Q. Okay.

14 So going back to what we are talking about, they
15 provide you with the locations of cell towers, is that
16 correct?

17 A. That's correct.

18 Q. And they provide with you call records.

19 What sort of things is relevant to you that are on the
20 call records that are particularly important?

21 A. The records are going to provide tower location and
22 azimuth, which is access to the time of the transaction.

23 Q. Okay. All right.

24 So it's basically you have got the point of where the
25 tower is, you have got the orientation of the tower, and you

1 have got part of the tower it's hitting, is that fair to
2 say? Would that be a layman's --

3 A. Basically.

4 Q. I'm going to show you State's Exhibit 27. We'll start
5 working through this.

6 Do you recognize what this is?

7 A. It's a cellphone tower.

8 Q. Okay. And how many sectors would that --

9 MR. KENDALL: If you could dim the lights real
10 fast?

11 A. Typically three.

12 BY MR. KENDALL:

13 Q. Okay. All right.

14 And going forward, is a Sprint tower typically a three
15 sector tower?

16 A. They are.

17 Q. Okay. And do you know what type of three sector tower
18 these are? Are these Nortel or lucent?

19 A. These are lucent towers.

20 Q. What is the significance of that on the reference
21 sheet?

22 A. Basically your lucent towers, instead of being sectors
23 1, 2, and 3, they are listed as 2, 3, and 4. So 2 would be
24 1, 3 will be 2, and 4 will be 3. You still have three
25 sectors.

1 Q. Okay. And those were identified on the tower
2 information provided?

3 A. They are on the tower -- or the cell site location, the
4 tower list provided by Sprint.

5 Q. All right. And I believe you talked about some of this
6 before. What was the phone number which you were asked to
7 analyze?

8 A. [REDACTED]-2314.

9 Q. And the service provider, time frame analyzed, incident
10 location?

11 A. It's Sprint, June 22nd through June 23rd, 409 East
12 Junior High Road in Gaffney.

13 Q. Okay. All right.

14 And then does this appear to be 409 East Junior High
15 Road in Gaffney, Connecticut Village Apartments?

16 A. It does.

17 Q. Okay.

18 Now, I'm going to show you from a call detail report
19 numerous pages that you all were provided. I know it's
20 somewhat difficult to read. If you want to just review the
21 exact one as well.

22 Do you recall where this information came from that's
23 on your slide show?

24 A. From the Sprint call detail records.

25 Q. Okay. So basically you took the call details records

1 provided to you and they were printed for this slide
2 presentation, is that correct?

3 A. That's correct.

4 Q. All right.

5 And it looks like we have them from 9:04 to 2:39 on
6 June 22nd; 2:39 to 4:58; 4:58 to 6:23; 6:23 to 8:20.

7 Then the next day 8:20 p.m. to June 23, 3:21; and 3:21
8 through 10:08, is that correct?

9 A. Yes.

10 Q. And in all of those, and I don't want to belabor the
11 point, all came from the call records that were provided you
12 from Sprint? They were basically cut and pasted into the
13 slide presentation?

14 A. That's correct.

15 Q. Is that accurate?

16 A. For the time frame requested to be analyzed.

17 Q. Okay.

18 Now, starting with our relevant time frame --

19 MR. KENDALL: And I would ask that the juror (sic)
20 to be allowed to step down, Your Honor.

21 THE COURT: The witness?

22 MR. KENDALL: Yes, sir, I'm sorry.

23 THE COURT: All right. Yes, sir.

24 Stand next to my court reporter, please.

25 THE WITNESS: Okay.

1 (Witness off the witness stand)

2 BY MR. KENDALL:

3 Q. And I'm going to give you this laser pointer and just
4 kind of ask you to point out a couple of things.

5 A. Okay.

6 Q. So on June 22nd, at approximately 4:26, at that time --
7 and --

8 All right. At that time we are talking about on June
9 22nd, 2014, at approximately 4:26, are you able to determine
10 or see where the incident location is?

11 A. The incident location is going to be 409 East Junior
12 High Road.

13 Q. All right. And at that time, at 4:26, can you tell
14 what tower and sector that the phone is hitting off at that
15 time?

16 A. It's going to be tower 26. I believe it says sector 3.

17 Q. Okay. All right.

18 And that's fair to say pointing towards the northern
19 part of Gaffney, is that fair to say?

20 A. Correct.

21 Q. All right.

22 And then from 4:48 through five p.m., if you could show
23 us what tower -- excuse me, where the incident location is,
24 what tower and sector that phone was hitting off then?

25 A. The incident location is at 409 East Junior High Road

1 and it's tower 186, sector 4.

2 Q. Okay. And so at that time, 4:48 to five p.m., during
3 that time, on June 22nd, it's hitting in the same sector
4 where Connecticut Village would be located, is that correct?

5 A. That's correct.

6 Q. Now, there are very real limitations for this
7 technology, is that fair to stay?

8 A. That's correct.

9 Q. And we can't say exactly where that -- we don't have --
10 you can't do that using this technology?

11 A. That's correct.

12 Q. But that phone during that time period, 4:48 to five
13 p.m., it's hitting the tower on that sector that appears to
14 encompass Connecticut Village?

15 A. Correct.

16 Q. All right. And just again -- do you know what this is?

17 A. This is the same slide you just was shown. It's just a
18 closer-up view.

19 Q. Okay.

20 Now, I would like to show you a slide from 5:13,
21 approximately thirteen minutes later.

22 A. On tower 286, sector 2 side.

23 Q. All right. So it's kind of pointing into the Gaffney?

24 A. Correct.

25 Q. And at that point where the incident would be at 409

1 East Junior High Road location?

2 A. It's going to be down here south, southeast.

3 Q. Okay. All right.

4 So now the phone is hitting in that sector pointing
5 kind of in through Gaffney?

6 A. Correct.

7 Q. All right. And then at five -- from 5:16 to 5:22 p.m.
8 where was it hitting then?

9 A. Back up on tower 26, sector 3.

10 Q. All right. So, again, the sector pointing towards the
11 top of that Providence Road area, is that fair to say?

12 A. That's correct.

13 Q. Okay. And that's where the tower is hitting -- excuse
14 me, the cellphone was hitting that tower?

15 A. Correct.

16 Q. So we started up there, and then began hitting the
17 cellphone tower by East Junior High Road, then back kind of
18 towards Gaffney, and now we are back hitting a location in
19 the northern part of Gaffney?

20 A. Correct.

21 Q. Okay. That's at 5:22 p.m., correct?

22 A. I believe that's what it says.

23 Correct.

24 Q. Now, our next location we are able to pick up is six
25 o'clock -- or six o'clock. Where are we at this point?

1 A. Spartanburg.

2 Q. Okay. And any location of interests on this map?

3 A. Yes, the Westgate Mall.

4 Q. Okay. And so when does it begin picking up Westgate --
5 the sector that includes Westgate Mall?

6 A. It's in the area of approximately six p.m..

7 Q. Okay. All right.

8 And likewise, at 6:06?

9 A. The 6:06 it's not in the area that would access the
10 mall. It's the sector -- the cellphone is hitting off of
11 the southeast.

12 Q. Okay. And what town would be at this point?

13 A. Still in Spartanburg.

14 Q. Okay. So we are in Cherokee and Gaffney. Now we have
15 moved -- or the phone that's hitting off towers now in
16 Spartanburg?

17 A. Correct.

18 Q. All right. And now it's 6:12.

19 A. 6:12, I'm unable to see the tower. I believe it's 64.
20 It going to be east of pointing in the direction of the
21 Westgate Mall.

22 Q. Okay. But encompassing that portion of Spartanburg?
23 At that point we are still in Spartanburg?

24 A. Correct.

25 Q. All right. At 6:16 to 6:44?

1 A. Still on tower 64, just different sector on the
2 southeast sector of the side, just pointing away from the
3 Westgate Mall.

4 Q. Okay. And 6:45?

5 A. (No response).

6 Q. If you need to come look at it physically on here.

7 A. It's going to be tower 1, still pointing in the
8 direction of the Westgate Mall, but it's going to be farther
9 east of tower 64.

10 Q. Okay. And then likewise from 6:46 to 10:30 p.m.?

11 A. Back on tower 64, just a different -- it's the northern
12 sector pointing away from the location of interests at the
13 Westgate Mall.

14 Q. All right. And 8:48?

15 A. Still on tower 64, sector 2, on the southeast side away
16 from the mall.

17 Q. Okay. And during those -- and that's -- I'm sorry,
18 that's on June 23rd, correct?

19 A. Yes.

20 Q. That's actually the next day. Entirely the next day.

21 All right. So -- if you would go ahead and have a
22 seat, please.

23 (Witness back on the witness stand).

24 BY MR. KENDALL:

25 Q. So from -- on the 22nd, in the time -- relevant time

1 period we discussed here today through all the maps, he's in
2 Spartanburg -- in Cherokee, in Gaffney at various locations
3 up until 5:22, is that correct?

4 A. That's correct.

5 Q. All right. And then after six o'clock he begins
6 hitting off towers -- or his phone begins hitting off towers
7 in Spartanburg, is that correct?

8 A. That's correct.

9 Q. What would account for that sort of gap? What happens?
10 Is this an accurate tracking technology, like -- in other
11 words, follow the phone around everywhere it goes, or is it
12 just based on --

13 A. It does not. It's based on transactions.

14 Q. Okay. So something actually has to happen that's going
15 to be able to pick up a phone or call somebody or --

16 A. Correct.

17 Q. -- something like that before you could actually get
18 a -- something to take place.

19 And on many of the phone records it indicates routed
20 calls. What do those represent?

21 A. Typically incoming phone call on his voicemail.

22 Q. Okay. And if there is no tower there, could you tell
23 anything about that?

24 A. There is nothing we can do if there is not a tower
25 location given.

1 Q. All right. So if somebody were to call in and it goes
2 straight to voicemail, it's just going to be routed with no
3 tower, is that fair to say?

4 A. Correct.

5 Q. Are you able to look on those records from 5:22 until
6 six p.m. and tell what was going on with those calls?

7 A. (No response).

8 Q. I guess the call after 5:22 and they made a call after
9 six p.m.?

10 A. It's a routed.

11 Q. All those calls are routed?

12 A. Yes.

13 Q. Okay. That would indicate they all went to voicemail,
14 is that fair to say?

15 A. Yes, sir.

16 Q. All right.

17 (Off the record).

18 (Back on the record)

19 BY MR. KENDALL:

20 Q. And just to avoid confusion, in some of these records
21 they have a different number of tower or sector for the
22 first call and the last call. What is that? Why would that
23 happen?

24 A. Signifies movement.

25 Q. Okay.

1 A. For instance, on transaction 22nd, 18:12, he starts --
2 it's on the same tower, 64, but he started on sector 3. The
3 call started on sector 3 and ended on sector 2.

4 Q. Okay.

5 A. So it symbolizes them moving around different side of
6 the tower.

7 Q. Okay.

8 MR. KENDALL: Nothing further, Your Honor.

9 The court: Yes, sir.

10 MR. MORIN: I have no questions.

11 MS. RACINE: I have no questions either.

12 THE COURT: Agent, you may step down. Please be
13 careful.

14 THE WITNESS: Thank you, sir.

15 MS. LESKANIC: Your Honor, at this time the State
16 rests.

17 THE COURT: Mr. Foreman and ladies and gentlemen
18 of the jury, the State has now rested. What that means is
19 they do not intend to call any more witnesses or put up any
20 other evidence before you.

21 It's twelve noon, almost straight up here, so it's
22 time to take a break for lunch. I'm going to have a couple
23 of matters of law to attend to, but other than that we are
24 going to break for lunch as well.

25 I'm going to ask you to be back in your jury room

1 at 1:45. That gives you an hour and forty-five minutes.
2 It's a little longer there because we got a few more things
3 before we break and I want everybody to have a chance to
4 eat.

5 Now, let me tell you where we are. At this point
6 when you return I'll have some information for you about
7 whether or not the trial is through or not through. I'll
8 know more about it when you return at 1:45, but we are
9 getting very close to being where the jury -- to where the
10 case is giving to you to decide.

11 Having said that, don't talk about it, don't think
12 about it, discuss it, try to learn anything about it. It's
13 not over until it's over, as they say. All right.

14 Enjoy your lunch.

15 (The following takes place outside the presence of
16 the jury panel)

17 THE COURT: Matters from the State?

18 MS. LESKANIC: No, Your Honor.

19 THE COURT: From the defense?

20 MR. MORIN: Your Honor, at this time Mr. Dover
21 makes a motion for a directed verdict, in that the identity
22 of the shooter is in question that would cause the jury to
23 have to speculate as to his guilt.

24 THE COURT: Yes, ma'am.

25 MS. LESKANIC: Your Honor, for a directed verdict

1 motion the court is to consider the evidence in the light
2 most favorable to the State. If there is any evidence that
3 tends to prove the defendant's guilt, then the motion should
4 be denied.

5 In this case there are several witnesses who
6 witnessed an altercation between the defendant and the
7 victim prior to the murder. They heard threatening
8 statements made by this defendant to the victim just prior
9 to the murder. And Antron Bonner, who was in the car with
10 him, saw him exit the vehicle with an assault rifle. Other
11 people saw him with that rifle that day. And he testified
12 to the statement, essentially a confession that Mr. Dover
13 made when he got back into the car stating that he shot him
14 in the chest. So with all of that evidence I believe the
15 motion should be denied and the question should be left up
16 to the jury.

17 THE COURT: The defense's motion is denied.

18 The court must consider the motion in the light
19 most favorable to the nonmoving party, which is the State.
20 There is evidence sufficient to send it to the finder of
21 fact.

22 Other matters as to Mr. Dover?

23 MR. MORIN: No, Your Honor.

24 THE COURT: Yes, ma'am, Ms. Racine?

25 MS. RACINE: Thank you, Your Honor.

1 I would also like to make the motion for Mr.
2 Foster for a different reason. Your Honor, there has been
3 no testimony to prove that my client had any reason to be
4 angry at the victim. He didn't try to kill him.

5 Mr. Bonner, who was in the car, he can't even
6 testify whether or not my client even knew there was a gun
7 in his car when he dropped the other two off.

8 At this point, Your Honor, I just don't think
9 there is enough to send it to a jury.

10 THE COURT: Solicitor?

11 MS. LESKANIC: May it please the court, Your
12 Honor, as the court is well aware, again, in the light most
13 favorable to the State there is the principle of the hand of
14 one is the hand of all.

15 There are witnesses who testified to the
16 altercation between Rajshun Foster and the victim that
17 occurred down in the hole or middle part of the village
18 shortly before the shooting. There was an altercation.
19 They were arguing over money. Rajshun was running up on him
20 and had been looking for him days prior.

21 There was also testimony that he dropped off the
22 two men that were armed with guns, picked them back up and
23 took them to another location, being an active participant.

24 We are not alleging he was the triggerman. We are
25 alleging under the hand of one hand of all he is guilty of

1 murder.

2 THE COURT: Okay. Again, the court is to view the
3 motion in the light most favorable to the nonmoving party,
4 which is the State, and whether or not there is any
5 evidence, and there is sufficient evidence to send it to the
6 jury. That motion is denied.

7 Anything further as to Mr. Foster?

8 MS. RACINE: No, Your Honor.

9 THE COURT: Okay. We can get off the record.

10 (Whereupon, proceedings were recessed)

11 (Whereupon, proceedings were reconvened)

12 THE COURT: Okay. The State has now rested.

13 Mr. Morin?

14 MR. MORIN: Your Honor, Mr. Dover does not intend
15 to testify and we are not going to be calling any witnesses.
16 We intend to rest.

17 THE COURT: All right. Let me --

18 How about Mr. Foster, Ms. Racine?

19 MS. RACINE: Your Honor, I have spoken with my
20 client and he tells me he does not wish to testify and also
21 he will be resting at this time.

22 THE COURT: All right. Let's do this. Madam
23 Clerk, will you swear these gentlemen, please?

24 THE CLERK: Please raise your right hands?

25 FRANKLIN PIERRE DOVER, RAJSHUN BERNARD FOSTER,

1 both having been first duly sworn, testified as follows:

2 DEFENDANT FRANKLIN PIERRE DOVER: Yes.

3 DEFENDANT RAJSHUN BERNARD FOSTER: Yes.

4 THE COURT: Sir, is you are Mr. Franklin Pierre
5 Dover?

6 DEFENDANT FRANKLIN PIERRE DOVER: Yes, sir.

7 THE COURT: Sir, you are Mr. Rajshun Bernard
8 Foster?

9 DEFENDANT RAJSHUN BERNARD FOSTER: Yes.

10 THE COURT: Gentlemen, we are at the point that
11 you -- we have reached the point in the trial where you may
12 testify in your defense.

13 Each of you has the right to claim the protections
14 given to you by the Fifth Amendment to the Constitution of
15 the United States, which states, in part, no person shall be
16 compelled in any criminal case to be a witness against
17 himself.

18 Additionally, you have the right to claim
19 protections given to you by Article 1, Section 12 of the
20 South Carolina Constitution, which states, in part, no
21 person shall be compelled in any criminal case to be a
22 witness against himself.

23 This means you cannot be required to testify. You
24 have the right to testify, but no one can make you do so.
25 This is a personal right and no one can waive the right

1 except you.

2 If you decide to testify, you will be subject to
3 the same rules that govern other witnesses and you may be
4 examined and cross-examined on any relevant issue.

5 Additionally, if you have any convictions
6 involving dishonesty or false statement or for crimes
7 punishable by imprisonment for more than one year and this
8 court determines the probative value of admitting the
9 evidence outweighs its prejudicial effect, the solicitor
10 will be able to introduce your record to attack your
11 credibility.

12 If you decide to testify, the decision on your
13 part must be freely, intelligently, and voluntarily made
14 with the knowledge of the protections given to you by the
15 Constitutions of this United States and this state and the
16 consequences of your decision.

17 If you decide not to testify, I will instruct
18 jurors they cannot give the fact that you did not testify
19 any consideration and there will be absolutely no prejudice
20 to you because you did not testify.

21 The decision is your decision. You may talk with
22 your lawyer, family, friends, or anyone else, but the
23 decision is yours and yours alone.

24 Do you understand what I told you, Mr. Dover?

25 DEFENDANT FRANLIN PIERRE DOVER: Yes, sir.

1 THE COURT: Mr. Foster?

2 DEFENDANT RAJSHUN BERNARD FOSTER: Yes, sir.

3 THE COURT: Do you have any questions about what I
4 explained to you, Mr. Dover?

5 DEFENDANT FRANKLIN PIERRE DOVER: No, sir.

6 THE COURT: Mr. Foster?

7 DEFENDANT RAJSHUN BERNARD FOSTER: No, sir.

8 THE COURT: Have you discussed this with your
9 lawyer, Mr. Dover?

10 DEFENDANT FRANKLIN PIERRE DOVER: Yes, sir.

11 THE COURT: Mr. Foster?

12 DEFENDANT RAJSHUN BERNARD FOSTER: Yes, sir.

13 THE COURT: Do you wish to talk to your lawyer any
14 further, Mr. Dover?

15 DEFENDANT FRANKLIN PIERRE DOVER: No, sir.

16 THE COURT: Mr. Foster?

17 DEFENDANT RAJSHUN BERNARD FOSTER: No, sir.

18 THE COURT: Mr. Dover, do you wish to testify or
19 not?

20 DEFENDANT FRANKLIN PIERRE DOVER: No, sir.

21 THE COURT: You do not.

22 Mr. Foster?

23 DEFENDANT RAJSHUN BERNARD FOSTER: No, sir.

24 THE COURT: You choose not to testify?

25 DEFENDANT RAJSHUN BERNARD FOSTER: Yes, sir.

1 THE COURT: All right. Thank you, gentlemen.

2 And the defense is now rested?

3 MR. MORIN: Mr. Dover rests.

4 THE COURT: And Mr. Foster rests?

5 MS. RACINE: He does, Your Honor.

6 THE COURT: Mr. Foster rests.

7 All right, matters from the State?

8 MS. LESKANIC: Nothing, Your Honor.

9 THE COURT: Matters from the defense?

10 MR. MORIN: Your Honor, at this time I renew my
11 motion for a directed verdict as previously stated.

12 THE COURT: And as previously enunciated for the
13 same reasons the motion is denied once again.

14 Ms. Racine?

15 MS. RACINE: I renew my motion as well, Your
16 Honor.

17 THE COURT: And for the reasons previously
18 enunciated the motion is denied again.

19 All right. Are we ready for the jury as we go to
20 closing? Everybody ready to close?

21 MS. LESKANIC: Yes, Your Honor, the State is
22 ready.

23 MR. MORIN: Yes, sir.

24 MS. RACINE: Yes, sir.

25 THE COURT: Okay. What we will do, as I told you

1 in chambers, when we bring the jury in, I will call on the
2 defense and you can rest in front of the jury.

3 MR. MORIN: Ms. Racine is going after Ms. Leskanic
4 and I will be going last.

5 THE COURT: One time, one time, one time, because
6 they didn't put a defense up.

7 Bring the jury in.

8 (The following takes place in the presence of the
9 jury panel)

10 THE COURT: Ready to go to work, Mr. Foreman?

11 JURY FOREPERSON: Yup, we are ready.

12 THE COURT: Okay. Mr. Morin?

13 MR. MORIN: Your Honor, at this time Mr. Dover
14 rests.

15 THE COURT: Mr. Dover rests.

16 Ms. Racine?

17 MS. RACINE: Your Honor, at this time Mr. Foster
18 rests.

19 THE COURT: All right.

20 Mr. Foreman and ladies and gentlemen, each of the
21 defendants have now rested. The State rested before lunch.
22 Each of the defendants have now rested, which means there is
23 no more testimony. There is no more evidence that will be
24 put before you.

25 Give your attention to the lawyers. They will

1 make closing statements and after that I will charge the law
2 and the case will be in your hands.

3 Yes, ma'am.

4 MS. LESKANIC: May it please the court?

5 THE COURT: Yes, ma'am.

6 MS. LESKANIC: Thank you, Your Honor.

7 Good afternoon, ladies and gentlemen.

8 I know that everybody has paid very close
9 attention throughout the trial and I appreciate that very
10 much.

11 And on behalf of Timothy Blair I thank you very
12 much for your time and attention, because he can't come here
13 to tell you what happened that day, because those two men
14 took it upon themselves because what apparently was a
15 disagreement over some money decided to end his life on a
16 Sunday afternoon in June in Connecticut Village. Unarmed,
17 defenseless, trying to walk into his girlfriend's apartment
18 he was ambushed and shot one time by Franklin Dover with a
19 rifle that went through his left shoulder, pierced both of
20 his lungs and he bled to death, without family, without
21 warning, but hopefully with justice.

22 Every piece of evidence presented in this case
23 points to Franklin Dover and Rajshun Foster being
24 participants in the murder of Timothy Blair. You have a
25 witness, you have these photographs of where people were,

1 what they saw, points to these two men plotting, planning,
2 and executing not only a friend, but also executing Timothy
3 Blair.

4 I want to tell you from the outset this is the
5 only chance I get to talk to you. When I finish talking
6 with you, Ms. Racine will talk to you on behalf of her
7 client, Mr. Morin will on behalf of his, and I will have
8 things that I probably would like to say in reply, but the
9 way that the rules of court work, I don't have that
10 opportunity. But if something is said, either by me or by
11 one of them, and you say it's not quite the way I remember
12 it, there is a court reporter here who took down testimony
13 and you have a right to ask to have that played back,
14 because I may want to say "wait a minute, don't you remember
15 this," or "don't you remember that," and I know and I
16 appreciate that each and every one of you paid very close
17 attention, because this is a very important day, but if
18 there is something you are unsure of, that testimony can be
19 replayed for you, but this is my only chance to address you.
20 I appreciate your patience, but this is the only time I get
21 to stand here in the feet of Mr. Blair.

22 Bernice Dowdle described him as the new kid on the
23 block, happy go lucky, good guy, been in the village for a
24 few months, dating Terrica Bonner.

25 You heard from Ms. Bonner and she said that a few

1 days before Timothy was murdered Franklin Dover and Rajshun
2 Foster came inside her apartment and said "where is he? We
3 have got something for him. We have got something for him
4 to do." She told you about that, that it didn't seem like a
5 friendly visit. It seemed like something was wrong.

6 Now, in her immediate statement to police she
7 didn't mention Frank Dover's name. She was asked about
8 that, "why didn't you say Frank Dover?" She said "Timothy
9 Blair had just been murdered outside my back door. I have
10 minor children. Word is Frank Dover did the shooting and he
11 hadn't been arrested and he knows where I live, because he
12 was in my apartment a couple days before this happened, so I
13 didn't put his name in the statement," but she came in here.
14 She identified him and she told you.

15 Bernice Dowdle came in here and told you a few
16 days before Rajshun Foster came looking for who she thought
17 was his good friend "Slick", Timothy Blair. "Seen Timothy
18 around?

19 "No. I thought y'all were cool.

20 "I thought we were too."

21 That's not somebody who is coming over to see how
22 his friend is. "I thought we were cool too, but clearly we
23 are not." That was a few days before the murder.

24 Then the day of the murder you know Frank Dover
25 has a rifle. Jasmine Hudson, who is Rajshun Foster's

1 ex-girlfriend, she was a little challenging on the stand.
2 She dated Rajshun for awhile, but she told you that she and
3 Rajshun met Frank at the Redwood Store right across from
4 Mcentire Mobile Home Park. From there they went over to the
5 trailer where Frank was staying. We later learned that's
6 "Monkey's" trailer. Went over there and when Frank opened
7 the passenger side door to his black car she saw the big
8 brown beige rifle in the car. And she said after that she
9 and Rajshun went over to her friend Cordelia's apartment in
10 the lower part of the village and then outside "Slick" was
11 there, Frank Dover's car was there, and Rajshun was there.

12 Now, Ms. Hudson, she I don't think wanted to be
13 here. Some people don't. They don't want to testify
14 against people that they once cared about, or still care
15 about, because when I asked "did you see Timothy Blair out
16 there," the answer was "no." I refreshed her memory with
17 her statement. And when Ms. Racine asked "what were Rajshun
18 and "Slick" doing," it was "well, they were getting along
19 just great." So we remembered things when it benefitted
20 Rajshun, but, in any event, she did say Frank Dover and his
21 car had the rifle, came over to Connecticut Village. She
22 saw his car out there.

23 Who else saw him out there? Sharie Studyvance,
24 who lived in Apartment 4. She went to pick up her friend.
25 She saw Franklin Dover, who she identified for you in court

1 and picked out in a lineup. She saw Rajshun Foster and she
2 saw "Slick" and she said that there was an argument going
3 on. She said she heard Franklin Dover say "I will get you
4 one way or the other." And she saw him holding that long
5 brown black gun standing in his driver's side door. And
6 this is approximately thirty minutes from the time "Slick"
7 was murdered.

8 Nakisha Love, she was visiting Sharie Studyvance
9 that day. That was her niece and she said she heard an
10 argument outside. It got her attention. She came outside
11 to see what was going on. Who did she see? She saw "Slick"
12 and Rajshun and Franklin Dover, "Gwap". The argument
13 stopped when she came out. "Slick" had his head down,
14 wasn't arguing back, was going to walk away and she hears
15 Frank Dover "I'll get you one way or the other. I'll hide
16 on the apartment -- "I'll hide on the side of the apartment
17 if you want, and I'll shoot you. I'll get you one way or
18 the other." Within thirty minutes they got him.

19 So Sharie has seen the gun. She saw Rajshun
20 running up. Sharie Studyvance sees Rajshun running up on
21 "Slick" trying to get him to fight and Sharie said "Slick"
22 just was backing up, backing up, not wanting to fight, not
23 wanting to engage with this kid, but they will not stop.
24 They're not going to stop.

25 Susan Crawford, she was unavailable. We had

1 someone read her testimony, because she had given a prior
2 sworn statement, because she was in the hospital, but she
3 said that she in Apartment 8 was down there. She saw
4 Rajshun, who she knew. She saw "Slick", who she knew, and
5 she saw "Gwap", Franklin Dover, who she knew. Said Rajshun
6 and "Slick" were arguing and it was something about money.
7 And she saw Franklin Dover out there with them as well.

8 These witnesses don't know the whole story. They
9 don't know every part, but they are coming in to tell you
10 their piece this is what I saw, this is what I witnessed.
11 She was a hundred percent sure it was those three, and
12 Rajshun was trying to kind of put "Slick" in his place and
13 she said "Slick" looked intimidated and he walks away.

14 Now, when he walks away -- I'll put this up. All
15 of that is happening down here. That's Susan Crawford's
16 apartment there. Sharie Studyvance is into an apartment
17 there, and she left. And when "Slick" walks away, they say
18 he walked this way, Nakisha Love, started coming up the
19 steps and headed to the back up here to Douglas' apartment.

20 Now, he goes into Kiara Douglas' apartment while
21 Frank Dover and Rajshun Foster leave the village.

22 Now, Rajshun is in his girlfriend's car. He
23 didn't ask for permission to take the car. He didn't have
24 permission to take the car. He was supposed to go out there
25 and listen to music, but he's now left with Frank Dover,

1 after having an altercation with Timothy Blair, and they
2 have left in their separate vehicles out of Connecticut
3 Village. 3.7 miles from the village to the trailer park
4 where they are going to drive. And when they drive to the
5 trailer park, that's when they are going to pick up Antron
6 Bonner and "T", but that's what they are doing.

7 While they are driving away, Timothy Blair is in
8 Kiara Douglas' apartment saying "I just got into it with
9 Rajshun Foster and Frank Dover and I want to get out of
10 Connecticut Village." She said "go get your stuff. You can
11 come up here. You can call your people. You are welcome to
12 come back up here and stay." He was nervous, he was scared,
13 such that she felt like "look, you need a place to stay.
14 You come back up here," but he was shaking by what had just
15 happened with those two men.

16 So he's with Kiara Douglas maybe fifteen minutes,
17 she was guessing, and during that time Rajshun Foster and
18 Franklin Dover have driven back over to McEntire Mobile Home
19 Park to "Monkey's" trailer and that's where Antron Bonner
20 was picked up.

21 Antron Bonner is important and the defense is not
22 going to want you to believe Antron Bonner. They are going
23 to come up here and they are going to attack him in every
24 way that they can. Antron Bonner is not the mastermind of
25 this. Maybe he could have been the scapegoat of this, but

1 Antron Bonner wanted a ten dollar sack of weed, and really
2 wanted half of that for five dollars, and that's why he got
3 in the car with those men. But he tells you that he and
4 Rajshun and Frank are outside the trailer. He walks over
5 there. He goes inside for a couple of minutes. He doesn't
6 know what they are talking about. He asked Rajshun "do you
7 know where we can get some weed," and Rajshun says "yeah,
8 come on with us. We will get you some," and Rajshun picks
9 Connecticut Village. And when he gets into the car he says
10 Frank Dover gets a long gun, rifle, out of his car, brown
11 and black, brown wood on it, and a glove, a doctor's type
12 surgical glove out of the console of the car and gets into
13 the back seat with him. The gun is right there next to him.
14 He says they came down towards the village. "We did a
15 U-turn in the village and then came back and Rajshun dropped
16 off Frank Dover and "T" near the wooded path that leads
17 right to the back of Apartment 1."

18 Who else saw them doing a U-turn? Terrica Bonner,
19 who lived in Apartment 1. She was leaving the village that
20 day. As "Slick" is walking down from Kiara Douglas'
21 apartment Terrica is driving up into Connecticut Village to
22 see a relative and then go to her mom's house. She says as
23 she's driving up she sees "Slick" walking down, just like he
24 said. He was here. He's walking back down. Terrica is
25 leaving her apartment. She goes up here, talks to him she

1 says for maybe a couple of minutes. He seemed different
2 that day. And then she stays up here with a relative for a
3 minute and then as she is driving out she sees Rajshun come
4 in in the girlfriend's Kia Soul he is driving and there are
5 three other men in the car; Antron Bonner, Franklin Dover,
6 Terence Studyvance, "T". Those are the three people.
7 That's what she told police. "I thought they were following
8 me out, but then they pulled over to the wooded area," just
9 what Antron Bonner told you happened.

10 Antron tells you that they dropped them off, Frank
11 got out with the long gun, after getting the glove and the
12 gun out of the car, that same car that Jasmine Hudson had
13 seen the gun in that day and Sharie Studyvance had seen the
14 gun in that day. They drop him off on the wooded path and
15 they drive down into the village near Rebi Tate's house.

16 And "Slick" has made his way from Kiara Douglas'
17 house down here. He's seen Bernice Dowdle, because Bernice
18 said "I saw him the day of the shooting and I said those
19 boys were looking for him." And he said "are they really
20 looking for me dead or alive?" She said "no, I just said
21 that, but they are looking for you." He said "okay." And
22 he walks down here to Rebi's, smokes a cigarette, and then
23 he's going to walk around the apartment, like he always
24 does.

25 Now, during that time Rajshun has pulled in and

1 Antron. People saw Rajshun and Antron in the car, just the
2 two of them, because they have already dropped off Frank and
3 "T" on the wooded path. Rajshun comes here, parks by the
4 trash can, gets out and approaches "Slick" one more time.
5 And Rebi hears "Slick" say "stay out of it. Stay out of
6 it."

7 Then according to Antron, Rajshun gets back in his
8 car, they drive just a little ways in here to get the
9 marijuana. Rajshun is able to see that "Slick" starts
10 walking around the apartment, like he always does. There's
11 a phone call between Rajshun and Frank during that time.

12 Chariece Allen is out there. And as "Slick" walks
13 around the building, this is the side of the building, she
14 said "I saw a man with a mask, with a long gun and a glove,
15 like a doctor's glove, on the side of the building. And it
16 all happened so fast. "Slick" walked around the building.
17 I saw him."

18 As "Slick" comes around, Frank Dover comes around
19 the corner of that building, right where Chariece Allen saw
20 him. Timothy Blair is walking towards the door. Frank
21 Dover comes around, shot in the left shoulder, pierce both
22 lungs, drops him to the ground and he bleeds to death.

23 Runs through the path. Rebi Tate said "I saw two
24 men running through the path. One of them had a gun, it
25 looked like it was swinging with a wooden handle." They run

1 back to their car. Rajshun Foster gets a phone call from
2 Frank Dover and he leaves Connecticut Village and he picks
3 him back up on that wooded path and he takes them to Mary
4 Davis' house.

5 And Rajshun Foster is probably going to say I
6 didn't know -- he didn't know what was going on. There is
7 some questioning of Ms. Racine.

8 Let me ask you something. There is an active
9 shooter in Connecticut Village. Your girlfriend is in
10 Connecticut Village. You have taken her car. She has no
11 way to leave and your response is "let me just go." The
12 only way you do that is you know it's not an active shooter,
13 you know there is one shooter. You know who the target is,
14 and it's not your girlfriend. It's Timothy Blair.

15 He took his girlfriend's car. He left her in
16 Connecticut Village during a shooting, because he knew the
17 target, he knew the shooter, he knew it was part of the
18 plan, so he wasn't worried about Jasmine.

19 He picks them up on the wooded path, drives them
20 to Mary's house, drops them off. Frank goes into Mary's
21 house, takes off his shirt and his pants, rolls them up,
22 puts them in a shoe box. Is there evidence on it from the
23 shooting? She said he had never done that before, never
24 taken his clothes off and put them in a box before, and then
25 put them in a bag, left the bag with Mary and said "you call

1 "Woot", tell "Woot" to come pick up my clothes." Destroy
2 evidence of the murder he just committed. "And by the way,
3 when you go talk to police you tell them we went to
4 Spartanburg.

5 "We did go to Spartanburg.

6 "Yeah, but you need to tell them that we were
7 there at three, because I can't be in Connecticut Village at
8 three or five. I need to be long gone to Spartanburg."

9 The problem is we have Frank Dover's phone records
10 and those records will tell you that his phone was there,
11 and Mary said he had his phone with him.

12 4:26 p.m. on the day of the shooting his phone was
13 hitting off of this sector here at Providence Mobile Home
14 Park where they went and picked up "T" and Antron.

15 From 4:48 until five o'clock. The first 911 call
16 came in at 4:59. His phone is hitting off this sector and
17 there in Connecticut Village twelve minutes after the
18 shooting.

19 All the calls that were made are on the records.

20 5:16 to 5:22 hitting off of this sector in the
21 area of Littlejohn Street, Providence Mobile Home Park --
22 Mcentire Mobile Home Park.

23 5:13, again, Littlejohn Street area. That sector
24 of the phone.

25 And we go back 5:16 to 5:22, he was picking up

1 Interstate I-85 towards Westgate Mall.

2 And six o'clock the phone was hitting off the
3 tower near Westgate Mall in Spartanburg, but he wanted Mary
4 to lie for him, but these records don't lie.

5 The call detail report that you will have with you
6 will show the phone calls made between Rajshun Foster and
7 Frank Dover from 4:55 until five o'clock; three phone calls.
8 Rajshun Foster was down in Connecticut Village with Antron
9 Bonner. Franklin Dover's cellphone was hitting on the tower
10 right there near Connecticut Village, because he dropped him
11 off. They are communicating by phone and the minute the
12 shot is fired, Franklin Dover called Rajshun Foster.
13 Rajshun is leaving the village and going and picking him
14 back up.

15 Now, Antron told you when they picked them back
16 up, Frank got into the car in the back seat. Antron had
17 moved to the front. Frank and "T" get in the back and
18 Frank's first reaction was "get me out of here, get me out
19 of here." And Rajshun says "where did you shoot him," and
20 he says "in the chest," and that's exactly right.

21 Antron Bonner has no motive to lie, no motive to
22 come in here. He thought Rajshun and Frank were his
23 friends, but he came in to tell the truth. And he gave four
24 statements and those statements were not different. He gave
25 police additional information. Frank later told him "don't

1 tell anybody because I'll get in trouble," and he didn't
2 immediately go to police, but when he was asked, he told
3 police everything that he could remember, everything that he
4 knew.

5 And I'm sure the defense is going to get up and
6 say "well, this person's statement said this, and this
7 person's statement said that, and this one says fifteen
8 minutes and this one says twenty-five minutes."

9 One thing you get to bring in is common sense. If
10 you were asked to write down everything about your
11 day-to-day, you might not include every single detail. It
12 doesn't mean that you are a liar. It means that you're
13 human. Not putting in a detail doesn't make it a lie. It's
14 hard to write down every single thing, but when you are
15 asked, you can answer the question. So I know the
16 statements, that's going to be part of what you hear from
17 the defense attorneys say "this person said this and this
18 person said that," and I expect that. They are writing down
19 everything that they can remember, but it's different when I
20 get to have them on the stand and then they asks them
21 questions they weren't asked the first time. "Well, I
22 forgot about that. I didn't think about that.

23 "Well, when I ask you a question, then you can
24 give me more detail."

25 We know that the shell casing that was found,

1 Billy Anthony testified that came from a rifle.

2 Terence Studyvance who was there as well was said
3 to have had a pistol and they didn't find a round belonging
4 to a pistol. It was to a rifle.

5 Frank Dover was the one that had the problem with
6 Timothy Blair. He's the one that was seen with the rifle
7 that day and he's the one that got back into the car and
8 said "I shot him in the chest."

9 Every piece of evidence before you, ladies and
10 gentlemen, says these two men took the life of unarmed
11 Timothy Blair on June 22nd.

12 The judge is going to instruct you on the law,
13 what murder is, and then you have to apply that law to the
14 facts. That's what you will be asked to do. I want to go
15 over that briefly with you.

16 Murder is the killing of another with malice
17 aforethought, either express or imply. I don't know why the
18 law makes things so complicated, but murder is killing
19 somebody and you don't a right to, and they had no right to
20 kill Timothy Blair; apparently over money. And I have no
21 idea what amount of money could have been worth that young
22 man's life.

23 Malice is ill will or hatred. It's a wrongful
24 intent to hurt another person. And you may infer malice in
25 this case because there was use of a deadly weapon, a rifle,

1 to kill him.

2 Aforethought, that doesn't mean premeditation. In
3 South Carolina you don't have to have premeditation for
4 murder. As long as at the moment you pulled the trigger,
5 you were intending to pull the trigger. That is enough, but
6 I think in this case there is premeditation. They planned.
7 Franklin Dover couldn't drive his own car down into the
8 village. Everybody would have seen him. Those men were
9 talking outside the trailer and they came up with a plan and
10 they got their gun and they got their driver, who was also
11 their getaway driver, and it was a premeditated killing, but
12 it is not required in South Carolina, as long as you mean to
13 pull the trigger at the moment that you did it.

14 And express malice is a deliberate intention to
15 unlawfully take the life of another. When you point a rifle
16 at someone's chest and you pull the trigger, you
17 deliberately mean to take their life.

18 There is another concept that you will hear about,
19 the hand of one is the hand of all. You may have heard that
20 before in South Carolina. It has to do with accomplice
21 liability, and that means that Rajshun Foster, he didn't
22 pull the trigger. I'm not trying to say that he did.
23 Rajshun Foster was down in Connecticut Village when that
24 trigger was pulled, but he was an accomplice for Franklin
25 Dover. They had a plan together and he had a role in that.

1 He was trying to fight "Slick" before this happened. He
2 knew Dover got the gun out of the car. He dropped him off.
3 He went down into the village. He was in active
4 communication by phone with him, and he picked him up and
5 drove him away afterwards.

6 Hand of one is the hand of all says that when two
7 or more people are acting with a common plan or intent, then
8 it does not matter who actually commits the crime. All are
9 guilty. The hand of one is the hand of all. Two people go
10 in to rob a convenience store and one person shoots the
11 clerk, they are both guilty. You both were participating in
12 a crime. Rajshun Foster and Franklin Dover are both guilty
13 of murdering Timothy Blair. They both played an active,
14 aggressive, cowardly role in his death.

15 You will hear an instruction about mere presence.
16 That means if you are standing by when somebody else commits
17 a crime, you're not guilty. That's not the hand of one,
18 hand of all, but these defendants weren't merely present.
19 Rajshun Foster wasn't merely present. He knew what was
20 happening. He plotted with what would happen. He was the
21 driver, the getaway driver.

22 And phone calls to Franklin Dover right around the
23 time "Slick" would have been walking around that building.

24 Bear with me. I don't want to forget anything
25 because I don't get to do this again. I appreciate your

1 patience.

2 I did find it interesting that it was Jasmine
3 Hudson, Rajshun's girlfriend at the time. It wasn't Rajshun
4 that called to say there had been a shooting, but it was
5 Cordelia's girlfriend. Rajshun was there. He knew there
6 had been a shooting and he drives away with his girlfriend's
7 car. Not only did he not call her, but when she calls him
8 he don't answer.

9 Rebi Tate said she got a phone call from Frank
10 after the shooting and said "tell Shamar keep Frank's name
11 out of his mouth" a short time after the shooting. Shamar
12 is related to Charie Studyvance and Nakisha Love, two
13 individuals who saw him. Charie Studyvance saw the rifle,
14 heard him threaten "Slick". And shortly after the shooting
15 he's called Rebi Tate and said "tell Shamar keep my name out
16 of anything."

17 Chariece Allen sees the glove on the shooter's
18 hand. Anton Bonner says Franklin Dover got the glove.
19 That's -- that's an I.D. of Franklin Dover.

20 The court will advise you about the standard in
21 this case. It is the State's burden. We have the burden of
22 proving it to you. We brought you the witnesses who saw
23 things that day and the days leading up to this and they
24 said "well, you didn't hear from any law enforcement
25 officers." I didn't have any law enforcement officers out

1 there that day that witnessed anything, but they found the
2 people who did witness something and those are the people
3 that you heard from.

4 As I stated, I'm sure there is going to be
5 nitpicking of statements. If you want to rehear anything,
6 please feel free to ask for that, whatever you all need to
7 help you in this case.

8 We are asking for justice. Verdict means to speak
9 the truth, and on behalf of Mr. Blair I'm asking for this
10 jury to return a verdict of guilty of murder on both Rajshun
11 Foster and Franklin Dover.

12 I thank you very much for your time and attention.

13 THE COURT: Yes, ma'am.

14 MS. RACINE: Thank you, Your Honor.

15 If it please the court?

16 THE COURT: Yes, ma'am.

17 MS. RACINE: A couple of days ago I came in front
18 of you and asked you to remember one really important legal
19 principle. I hope you still remember that legal principle
20 and I ask that --

21 COURT REPORTER: I'm sorry, I can't hear you.

22 MS. RACINE: I'm sorry, okay.

23 Would it help if I move this back?

24 COURT REPORTER: Yes. Thank you.

25 MS. RACINE: Okay. I'm sorry, I have a soft vice.

1 I get that all the time from them.

2 But these two men were still presumed innocent.
3 No matter what Ms. Leskanic has told you, they are still
4 presumed innocent. You have to listen. You have to decide
5 for yourself, but let me tell you a few things.

6 I represent Rajshun, so I'm going to talk about
7 his case. And then when I'm through, I'll let Mr. Morin
8 come up and talk to you about Mr. Dover, okay?

9 There are three main points I want you to take
10 away from this case, okay?

11 Number one, there was nobody who could testify for
12 any reason that Rajshun would possibly have for wanting to
13 hurt "Slick". There were so many witnesses who testified.

14 Terrica Bonner, she said that Rajshun came by at
15 her house. They didn't seem happy, but she said that if she
16 felt threatened by what they said, she would have told
17 "Slick". She never told him. She stopped on her way out of
18 the village that day and smoked a cigarette with "Slick" and
19 never once did she say "oh, by the way, you might be in some
20 danger. These two guys were looking for you a couple days
21 ago." She thought they worked everything out. That's what
22 she testified to. She didn't even say anything to him. She
23 thought everything had been worked out.

24 Bernice Dowdle, she testified also about seeing
25 interactions between the two of them and she said that she

1 never heard Rajshun threaten "Slick" or seem mad. She said
2 it just seemed like one friend looking for another when
3 Rajshun asked her if she had seen "Slick".

4 Jasmine Hudson, she was definitely a handful on
5 the stand, but she was -- she was Rajshun's girlfriend at
6 the time. And she was asked about the relationship with
7 "Slick", and what she said was he never said anything to her
8 about any problems or bad blood between him and "Slick".
9 And she was at Cordelia's. Rajshun had asked for her keys
10 to go outside. So he was out there listening to music and
11 she looked out and she saw "Slick" and I think she said
12 maybe one or two other guys and she didn't see anything.
13 She didn't think there was any kind of problems from the
14 guys that were out there. Never heard any yelling, anything
15 like that. She said "you know, nothing at all to make me
16 pause to think there was a problem."

17 She did testify that she saw Frank's gun when they
18 were over at "Monkey's". They were parked beside Frank.
19 Frank opened his car door and that's when she did see
20 Frank's gun, but there was no testimony that Rajshun saw
21 that gun, that Rajshun knew that gun was in that car. The
22 only thing we know for sure is that Jasmine saw that gun.

23 Sharie Studyvance, she did say that it looked like
24 there might have been some problems between Rajshun and
25 "Slick". She says that it looked like they may have been

1 giving some provocation on my client's part, but she could
2 hear a little bit of arguing, but not what they were arguing
3 about. But when I asked her, I said "well, did Rajshun
4 chase "Slick"? Was "Slick" trying to walk away?"

5 She said "no."

6 "Did he punch "Slick" or act like he was going to
7 punch "Slick"?

8 "No.

9 "How about shove him? Did he get up close to
10 somebody like you want to fight, like kind of shove? Did he
11 shove "Slick"?

12 "No, he didn't do that either.

13 "How about just threaten? Did you hear any
14 threats to "Slick" at all?

15 "Well, no, I didn't hear that either."

16 So, again, no reason. No reason why Rajshun would
17 want to harm "Slick".

18 Going on down the list of witnesses Ms. Leskanic
19 called. Nakisha Love, she heard arguing when she was
20 inside, but when she went out there was nobody out there
21 arguing. She never heard any threats between Rajshun and
22 "Slick", never saw anything, but Rajshun tried to fight
23 "Slick". In fact, I believe she said she walked out and
24 handed her baby to Rajshun. So if there is fighting going
25 on and if there is anger, if my client is angry and mad, I'm

1 not handing my baby to him. She felt comfortable enough to
2 hand her baby to him and let him hold the baby.

3 Kiara Douglas. Ms. Leskanic pointed out that when
4 "Slick" was there he seemed very scared and he wanted to get
5 his stuff, pack up and leave, but within minutes he was in
6 the parking lot talking to Rajshun and people said that they
7 didn't seem like anything was wrong. There they were.
8 Terrified, but all of the sudden he's hanging out in the
9 parking lot with his friend Rajshun, so it doesn't make any
10 sense. If he was that afraid, why would he hang out with
11 him?

12 There were several people who saw them out in the
13 parking lot together and Rebi said everything seemed okay
14 between Rajshun and "Slick". No pushing, shoving, hitting,
15 or threatening. None of that.

16 Then you have Antron Bonner, who I do have some
17 problems with some of his testimony. I think y'all figured
18 that out when I was questioning him, but even him, he says
19 when they were sitting out there by the trash can and
20 "Slick" and Rajshun talked, he couldn't hear what was going
21 on, but it didn't seem threatening to him. And he said when
22 Rajshun got back in the car, he didn't seem mad. He wasn't
23 upset. He didn't throw the phone down on the seat or say
24 anything about "Slick". Got in the car and "hey, let's go
25 buy some pot" and off they went.

1 There is nothing here to indicate any reason
2 Rajshun would want his good friend "Slick" harmed, much less
3 killed.

4 Also there has been no one who can prove beyond a
5 reasonable doubt to you that Rajshun even knew what was
6 going to happen. When Mr. Bonner testified that he came up
7 to "Monkey's", Rajshun, "T", and Frank was standing outside
8 talking. I asked Mr. Bonner "what were they talking about?"

9 "I don't know. I couldn't hear a word they were
10 saying.

11 "Okay. Well, were they plotting to kill "Slick",
12 or were they talking about the ball game the night before?

13 "I don't know."

14 Mr. Bonner testified that on the way back when
15 they left the village and they took Frank and "T" over to
16 Mary Davis' house, Bonner was in the front seat. Frank was
17 in the back seat supposedly with a gun. Bonner could not
18 see that gun in the back seat when he was in the front seat.

19 I said "well, when Rajshun was in the front seat
20 driving, did he say anything about seeing a gun in the back
21 seat?"

22 "No."

23 There was no indication he ever saw that gun in
24 his back seat. No indication he saw the gun in Frank's car.
25 No indication he saw it taken out of Frank's car and into

1 his car. Nothing.

2 And Ms. Leskanic pulled out the phone log. I'm
3 going to actually pull out the phone log too. And this
4 highlighted portion she's right, there were phone calls
5 during this general time frame that this happened, right.
6 Frank and Rajshun talked to each other on the phone.

7 Frank and Rebi also talked to each other on the
8 phone. I'm not trying to put Rebi in this as she said any
9 criminal responsibility or anything like that, but it wasn't
10 like it was just a scheme for Rajshun and Frank to set him
11 up. Frank was calling other people and he was talking to
12 other people and then he talked to other people. That
13 doesn't mean Rajshun and Frank were together beside. It
14 just means that they were talking on the phone. That's all.
15 If you check my phone records, I have got lots and lots of
16 phone calls back and forth and texting other people.

17 There is also evidence that after the shot, it was
18 after the shot was fired that killed "Slick". Rajshun was
19 still in the parking lot. He was back there beside that
20 same trash can that he was at earlier.

21 And Chariece Allen, who had been at Rebi's
22 apartment who heard the shot, she ran around the building to
23 see what had happened. I think she testified she had been
24 back and forth to Rebi's, to her apartment, she is pregnant
25 and had to keep running to the bathroom, and she said a good

1 five to ten minutes passed between the time she heard that
2 shot and the time she saw Rajshun and told him "your friend
3 has been shot" and he left.

4 If Rajshun knew it was going to happen and he was
5 conspiring back and forth with his friend trying to make
6 this master plan of you know, you shoot him, I'll pick you
7 up, he might have been hanging out in the parking lot for
8 ten minutes, just backed in, waiting, that shot fired, he is
9 going to be in his car and take off to go pick up Frank. We
10 don't have testimony to that. We have testimony that he sat
11 there for five to ten minutes after that shot was fired. He
12 would have never even come in the village, if you want to
13 take another look at it. If I'm the getaway driver, Rajshun
14 is the getaway driver, he's going to come down in the
15 village and talk to some people and go up the hill about
16 five, hang out with that person and talk, or are you going
17 to wait to the top of that trail? How long do you think it
18 takes to run down a trail, shoot somebody and run back up
19 that trail? Ten minutes? He is going to sit up there and
20 he's going to wait for his friend to come back up and he
21 didn't do that. He didn't do that at all. He went down to
22 the village and sat for a while, buying pot, hanging out.
23 He did pick up his friend eventually and his friend got in
24 his car and was in a panic because he needed to get him out
25 of there, get him to the other side of town. And that's in

1 the statement that "Red" gave to the police, the first
2 statement he gave to the police, and he wanted him out of
3 town because he had shot him. He never said anything,
4 though, about Rajshun saying "well, where did you shoot
5 him?" That wasn't in that first statement that was given to
6 police. That wasn't in the second statement or the third
7 statement. He didn't change his statement. He just
8 actually remembered things. He called the police and said
9 "hey, I just remembered this happened. Hey, I just
10 remembered this happened." Well, my friend saying "where
11 did you shoot him" right after somebody gets in the car with
12 the gun saying "I have got to get out of this side of town,
13 I shot him," that's something that you are going to
14 remember. You are not just going to forget that extremely
15 important piece of evidence. But when I asked him about it,
16 I said "well, no, no, I didn't tell them that in that first
17 statement. No, I didn't tell them in that second statement
18 or third statement. No, I didn't tell them any time in
19 2014, or '15, or '16, '17, '18, '19. No, I didn't tell them
20 any time," but he did remember after he got in touch with --
21 or Ms. Leskanic got in touch with his lawyer with a deal.
22 "You help me send these two to prison, I won't charge you
23 with murder." Hey, that's a big deal. I'll take that deal.
24 "Oh, yeah, I just remembered what Rajshun said when they
25 picked him up in the car."

1 He also said several things that are not
2 consistent with the testimony here. He said that a little
3 boy told him about the shooting and they left immediately,
4 but Chariece Allen, who was there, who heard the shot
5 herself, not second or third hand from some little boy who
6 had heard it from someone else. Chariece was there when the
7 shot was fired. She heard that shot and she said five to
8 ten minutes before Rajshun left that parking lot. It wasn't
9 an immediate thing, like Antron said.

10 Ms. Leskanic already touched base on you with the
11 law. I'm not going to go back into that with you. Judge
12 Kelly is the one who will go over that with you and he will
13 explain all of it, everything, what it means, how you should
14 interpret it and everything like that, but I just want you
15 to keep these two things in mind again, you know. That
16 presumption of innocence on Rajshun continues into the jury
17 room when you go in there to start deliberating.

18 Also just because there's two defendants doesn't
19 mean that you have to have two guilty verdicts, okay? You
20 could find both guilty, both not guilty, one guilty, one not
21 guilty, all right? It's not a -- it's not an all-in-one
22 type thing. Each person will have its own verdict.

23 And I just want you to remember that there is no
24 proof if there was any reason for there to be any bad
25 relationship between Rajshun and "Slick". No proof that

1 Rajshun knew what Frank was going to do, if, in fact, you
2 believe Frank did anything. And "Red's" credibility is
3 questionable based on the fact that his memory only improved
4 when he got such a great deal from Ms. Leskanic.

5 When you think about all those things up here, I
6 want you to find my client not guilty of this charge that
7 he's charged with.

8 I appreciate your patience and your attention here
9 these for these past few days. Thank you.

10 MR. MORIN: You probably recall I'm not soft
11 spoken. I like to move around and I like to talk about the
12 case. I like to talk about evidence.

13 When I stood here at the beginning of the trial
14 and I made reference to my enjoyment of old westerns, I said
15 the government is going to get up here and they are going to
16 tell you "look at this. Look at this man," right? I stood
17 here and I told you that Timothy Blair had been shot and
18 killed, but that didn't stop them, because the first thing
19 they do is they pull out that picture and make you look at
20 it. "Look at it."

21 Well, I tell you this. The statement was made
22 that all the evidence in this case is going to show that my
23 client did something.

24 Now, when I'm working on these cases, sometimes I
25 read stuff and I think, well, seems kind of odd and

1 sometimes I have to go out to the scene. And I actually
2 looked at this photograph that they have got up here right
3 now and you know what struck me? Chariece Allen, because it
4 struck me, if I can work this right here, that this building
5 and this building, they appear to be adjacent. They appear
6 to meet, so I actually went out there and I saw this. And
7 this is what I thought I was going to see. This space right
8 here is what they say Chariece Allen saw a person with a gun
9 and a mask and gloves.

10 Now, Rebi Tate testified first. And every now and
11 then, and I try not to ask too many questions that I don't
12 already know the answers to, but this is one I didn't know.
13 So when I asked Rebi, because as both of them, Ms. Allen
14 says, this is from right next to Mr. Rebi's door. And I
15 thought okay. So if Rebi is sitting there and she's sitting
16 there, she would have to see through Rebi to see into that
17 crease to see that, right? But then -- then they put up
18 another picture, if I could find it, because I think this
19 one will tell the story.

20 This picture. "Chariece, now you tell me where
21 you saw this man." And she said "right there," okay?

22 Now, follow me what I'm about to say, because I
23 asked her and she said, to not just me, but also to Ms.
24 Leskanic, "I wasn't standing right here. I was standing
25 over here." Now, if she is standing over there, you know

1 what is going to happen? Her angle of being able to see
2 that side of the building is going to go away. She cannot
3 see what she said she saw. It's not physically possible.

4 If -- this is what happens when I get too excited
5 about these things. If she's right here, all right, right
6 here, and she moves out, for lack of a better example, she
7 can't see that corner. If you go this way, you are going to
8 only be able to see through there. You can't see where she
9 says she saw it. She's not telling the truth. She said "I
10 was over here. I wasn't all the way up against that wall."
11 So if she's not telling the truth and if this evidence is
12 supposed to prove anything, it proves that what she is
13 saying and what she says she saw couldn't happen. Couldn't
14 happen.

15 So, where did she get this story about a glove and
16 a gun, because, mind you, she says "I saw him, but I didn't
17 see him run away. When I heard the shot I went my house."
18 So that was the only time she could have seen him, and
19 that's her testimony. That's not me nitpicking some
20 statement. That's her sitting right there and she pointed
21 to the same things I just pointed to. "I was farther to the
22 left." That's simple, you can't see it.

23 So where is that information coming from? Well,
24 during the trial, and I won't tell you what my wife would
25 have called it, I asked people "how do you know what's my

1 name?" Right? And I know it seems kind of -- kind of being
2 a jerk, but the point I was trying to make was in order for
3 you to know what somebody's name is, you have to be told.
4 You have to be told, because in talking about people, like
5 Ms. Hudson, who has never seen Mr. Dover before, but when
6 she gave the statement, she said "Franklin Dover." She
7 didn't -- we saw one that has a lineup, but it wasn't her.

8 And, again, and I joke around, but let's talk
9 about Antron Bonner for a minute, because, again, sometimes
10 every now and then during a trial I ask a question and get
11 an answer that I have no idea what's coming. None. And for
12 him the one that got me was he got back to "Monkey's".
13 According to him, he went to the store to get grandma her
14 chewing tobacco and went back to "Monkey's". The State's
15 timeline would make that twenty, twenty-five minutes after
16 the shooting, if you believe their timeline. And when he
17 got there, what did he say, because there's a lot happened,
18 and he goes "man, Facebook was all about Frank did it."
19 Where did that come from? They proved that.

20 Rebi got a call from Frank who said "Rebi, tell
21 Shamar to stop saying my name. I didn't do it." But guess
22 what? He didn't say "I didn't do it," but guess who Shamar
23 is related to? Sharie Studyvance and Ms. Love. And they
24 say that they saw that this whole "I'm going to get you
25 stuff", that they live over here and it occurred I'm pretty

1 sure over here. They lived in 4. But they called a
2 witness today and that witness said -- this is the witness
3 that had to read the statement, so I have this statement,
4 okay?

5 "So at the time you saw "Slick", Rajshun Foster,
6 and who you know as "Gwap"?

7 "Uh-huh.

8 "Okay. And they were all in that area together?"

9 And then the answer is "'Slick" had done walked
10 off. I never seen Mr. Dover speak or talk to "Slick" at
11 all."

12 She is right here. She's not over here in the
13 parking place. She's over here close. She's sitting in
14 her -- in the open window of the living room. She hears
15 that conversation that's going on between Rajshun and
16 "Slick" and says that "Slick" had already walked off and she
17 never heard Franklin talk to "Slick". She's not related to
18 Shamar. She hasn't had a time to talk about what's going to
19 be happening down there.

20 I guess I have to talk about this. I didn't ask
21 any questions of this man, because the other State's
22 attorney said it for me. Before it even got started all
23 this stuff about the phone records.

24 "Can you tell us about how far or how close they
25 are to these?

1 "No, I can't tell you that. All I can do is tell
2 you that it's hitting on this tower and it's somewhere in
3 this area."

4 And the funny thing was when they zoomed up to the
5 part where it's close to Connecticut Village, he went "right
6 here." And then when they get the ones that have --

7 Let's see if I can find the one right quick. This
8 one. Try this one. When they want to talk -- oh, this
9 is --

10 So when they want to say -- what they want to say,
11 well, see, they are way over here and hitting off of here,
12 and you see it's hitting on that and goes way over here.
13 But then they want to zoom up and they want to go "see,
14 right here." Well, so is Gaffney. They are the ones that
15 asked the questions. They are the ones that said "well, I
16 can't testify about how far they were. I can just tell you
17 that is the tower and that's the area it's coming from."
18 What does that prove? They were in Gaffney? Okay.

19 Antron Bonner. I'm not sure what to make of
20 Antron Bonner and I told you at the beginning I didn't want
21 to -- you can make your own decision about Antron Bonner,
22 but let's talk about a few things about Antron Bonner.

23 Number one, does he even know what he's charged
24 with? I'm not sure. And if Ms. Leskanic's version of what
25 mere presence is, and if that makes you not guilty, then why

1 is he charged, because she's up here saying "he didn't know
2 anything about anything," but maybe the rules are different
3 for Antron.

4 Then he says "well, you know, we were going to get
5 marijuana. We got in the car and Dover gets in" and he
6 knows -- he knows "Rajshun was driving, "T" was in the front
7 seat, I was in the back seat, Dover was next to me," and --
8 my client is charged with murder and I'm asking him how big
9 the gun was. And it was so big, and we all know, or most of
10 us know what a Kia Soul looks like, that it actually extends
11 into the front seat. He knows who got in and what order,
12 but when he gets back and I say "all right. You say you
13 picked him up?

14 "Yes.

15 "What door did they get in?

16 "I don't know.

17 "Did they have the gun?

18 "I don't know.

19 Well, I was in the front seat."

20 Now all of the sudden he doesn't see anything.

21 Nothing. All he has to do is say "I didn't try to help
22 him."

23 I said "well, did they get in both doors?

24 "No, they got in the same door.

25 "Okay. So they got in the same door, but you

1 didn't know the order they got in." Fine.

2 This was a big gun he's already testified. I
3 think he's riding around with a keg in between his knees,
4 he's either going to see the gun or not.

5 And if you believe the State's testimony, the
6 State's theory in this case, he had to have it. So why
7 didn't he just say "yeah, the gun was there?"

8 And then they asked Ms. Davis, they said "well, he
9 came in?

10 "Yeah, he came in," and I had to ask, and I'm sure
11 he told -- you could see -- you could see Mr. Dover's hands
12 when he walked up. He walked up, the only thing he had in
13 his hand was a bottle of Hennessy.

14 Okay, then, Mr. Bonner was the gun in the car,
15 because after he let them out, he what? Is he sitting there
16 like this going oh, no? Because if he didn't know -- if he
17 did know, then he is part of this little scheme they alleged
18 to have hatched. If he didn't know, then he's merely
19 present and nothing happened, but he only remembered up and
20 to the point they let him out, which gets to the whole other
21 thing, which I can't even believe I'm having to tell you
22 about this.

23 Their theory of the case -- think about this for a
24 minute. This is their theory of the case. They think that
25 Mr. Dover and Mr. Foster wanted to kill Studyvance -- I mean

1 kill "Slick". They were at Connecticut Village during the
2 day, had the gun, were there. In fact, they were there, but
3 instead of doing this dastardly deed they claim he did, they
4 say they drove all the way back, picked up two other people,
5 one of them was Antron Bonner, and they drove all the way
6 back, because if you are going to do something like this,
7 you know who you want with you? Antron Bonner. Does that
8 make any sense?

9 And then Terrica Bonner. Terrica Bonner, she is
10 "Slick's" ex-girlfriend and that surprised me, because as I
11 said, she said -- I was asking her why she hadn't seen him
12 or what have you and she was giving us the standard State's
13 speech about how he seemed down. And I said "well, were
14 y'all still together?

15 "No.

16 "You weren't still together?

17 "No."

18 And the reason I know she said no is I was
19 surprised standing right about here and I thought "well, you
20 are not together, but he can go in your house whenever he
21 wants," and she said "yes." She said "yes."

22 The State's theory is they went over there in a
23 Kia. They were going to try to kill "Slick". They drove in
24 and then rather than going to the path that they claim they
25 went to, they drove in so they could be seen, so that they

1 could drive back out and follow Terrica Bonner to the place
2 where she could see them stop, which, of course, she said
3 she knows Frank. They're saying -- she is saying "there is
4 three other people in the car, but I don't know who they
5 were," just like those three other people -- the only time
6 I'm going to make a reference to it in one of their prior
7 statements, just like those three other people that came to
8 her house those three days before that she didn't know. And
9 why didn't she -- that she didn't know. She says "Mr.
10 Foster and three people I don't know, they came to my house
11 and he seemed like he was upset with him, but I don't know
12 who they were." To this day doesn't know who they were. To
13 this day.

14 And then it was "well, Mr. Bonner, his name was in
15 it, so I didn't want to tell the police. His name was in
16 it," which get me back to what I have often thought about in
17 this case is the name game. Everybody knows.

18 Some of you may remember that when I was young
19 there was a candy called Pop Rocks. Right? Those of who
20 remember, the little candy you put them in your mouth and
21 they pop around. And they used to say that if you ate those
22 Pop Rocks and drank a Coke, it would either cause it to boil
23 in your stomach or explode. Okay? And everybody thought
24 that. In fact, FDA had to have a special hotline in the
25 early eighties just to answer that question and say it's not

1 true, and that's what's happening here. People are saying
2 Frank Dover, Frank Dover, Frank Dover, people are starting
3 to believe Frank Dover did it. They want you to believe
4 that.

5 Jasmine Hudson, who is sitting in the passenger's
6 seat of that Kia, and right next to it is that Dodge, and
7 that somehow -- you will have to think about this. Two cars
8 are parked beside each other. I opened the front seat of
9 one door. You are sitting in the seat of the other door.
10 How can I see what's in that seat, unless the car is parked
11 way away? They want you to believe that Franklin Dover went
12 ta-dah and then closed the door, just so she could see the
13 gun. Does that make any sense?

14 Would you ever take Antron Bonner anywhere?
15 That's what they are selling. They are selling Antron
16 Bonner and a bunch of other stuff, when they put in Ms.
17 Crawford, who said "I was right there. I'm not over there
18 at Apartment 4. I'm right here at [REDACTED]. They are right
19 outside my window. I was sitting on the window. I never
20 heard Franklin Dover say anything. Never."

21 And he, "Slick", had already walked away when she
22 saw him.

23 So what is this?

24 Ms. Love. "Ms. Love, you were at your aunt's
25 house?

1 "Yes, I was.

2 "And when all these people started running and
3 saying he was shot, was your aunt home?

4 "No."

5 That was a good answer, because I had already
6 asked Ms. Studyvance where she was when she heard all those
7 people running and she said "I had gone to the store. I
8 don't remember what store, and I came back in about twenty
9 minutes and then I saw everybody running," but Ms. Love says
10 she wasn't even home. She wasn't even home.

11 When the government lawyers start showing pictures
12 of dead bodies right out of the box to you in its case and
13 they start complaining about the fact that they don't get to
14 get up and talk again, it's because they got a problem,
15 because they have the burden of proof. They have to prove
16 beyond a reasonable doubt that the evidence in this case
17 proves that Franklin Dover is the one who pulled that
18 trigger.

19 Now, reasonable doubt: A doubt that would cause a
20 reasonable person to hesitate to act.

21 Antron Bonner. Is his statement something that
22 might cause you to hesitate to act?

23 Is Chariece Allen's lies something that might
24 cause you to hesitate to act? That might be a bold thing to
25 say that she lied, but it's physically impossible to see

1 what she claims she saw. Does that cause you hesitate to
2 act?

3 How about the disappearing gun, the one that
4 everybody saw, until Antron Bonner said "I didn't see it?"

5 They are trying this man for murder and that's
6 what they have; circumstantial mumbo jumbo, people talking
7 about stuff, throwing names into it.

8 Was Franklin Dover ever at Connecticut Village?
9 Yes.

10 Did Franklin Dover say "I'm going to get you?"
11 Well, it depends, because Ms. Crawford said no, and she was
12 closer than Love and Studyvance.

13 This theory of this case is ridiculous. And the
14 only phone numbers they have is Franklin's. I have made
15 phone calls to every attorney in here in the last two weeks,
16 but if they just pull my phone, that's all they are going to
17 see, but I'm sure that the other attorneys in here made
18 other calls to people I don't know about other things. They
19 knew it. They had those numbers. Well, I don't know. He
20 didn't do that.

21 Their burden; a reason to hesitate to act; their
22 witnesses.

23 So when you go back there and you are talking
24 about these things, keep this in mind. When they say every
25 piece of evidence shows that my client committed murder, it

1 does not. It does not. They haven't carried that burden
2 and I would ask you to find my client not guilty.

3 (Whereupon, at 3:12 p.m., the Court instructed the
4 jury panel their jury instructions).

5 THE COURT: Bring the lights back up, please?

6 Mr. Foreman, ladies and gentlemen of the jury, you
7 have seen and heard the evidence presented, as well as the
8 arguments of the lawyers, and it is now my duty and
9 obligation to instruct you on the law in this case. It will
10 then be your duty and obligation to begin deliberation
11 through which process you will decide the facts, apply the
12 law as I now instruct it and render a fair and impartial
13 verdict.

14 It is your exclusive duty to determine what the
15 facts are in this case and you will do that based on your
16 own common-sense evaluation and examination of the testimony
17 and the evidence received during the trial. You twelve
18 alone will decide what effect, value and weight is to be
19 given to any testimony or evidence received. Quite simply,
20 your obligation as jurors is to give both the State and each
21 defendant a fair and impartial trial based on the evidence
22 presented and the law that I charge.

23 Indictment ending in 875 charges the defendant
24 Franklin Pierre Dover with the offense of murder.

25 Specifically the State alleges that he did, in Cherokee

1 County, South Carolina, on or about June 22 or 2014
2 feloniously, willfully, and with malice aforethought kill
3 Timothy Blair by shooting him, in violation of state law.

4 Indictment ending in 878 charges defendant Rajshun
5 Bernard Foster with the offense of murder, specifically that
6 the State alleges he did, in Cherokee County, South
7 Carolina, on or about June 22, 2014, feloniously, willfully
8 and with malice aforethought kill Timothy Blair, in
9 violation of law.

10 I remind you the fact these defendants were
11 arrested, charged and indicted is not evidence and it cannot
12 be considered by you as evidence of guilt, nor does it
13 create a presumption or inference of guilt. The indictments
14 are written instruments which contain the charge made
15 against each defendant. It is a formal document which
16 brings the case before this court for trial.

17 Each defendant has pled not guilty to their
18 respective indictment and that puts the burden on the State
19 of South Carolina to prove each defendant's guilt beyond a
20 reasonable doubt.

21 A person charged with committing a criminal
22 offense in South Carolina is never required to prove himself
23 innocent. I charge you that it is a cardinal, important and
24 vital rule of law in a criminal trial, no matter what the
25 seriousness of the charge may be for which a defendant

1 stands charged, each defendant is always presumed to be
2 innocent of the crime for which the indictment was issued,
3 unless each defendant's guilt has been proven by evidence
4 satisfying you of each defendant's guilt beyond a reasonable
5 doubt. This presumption of innocence does not end when you
6 begin your deliberation. It accompanies each defendant
7 throughout the trial, until you reach a verdict of guilt
8 based on evidence satisfying you of guilt of that defendant
9 beyond a reasonable doubt.

10 The presumption of innocence has been described as
11 being like a robe of innocence placed about the shoulders of
12 each defendant, which remains with that defendant from the
13 moment of arrest and continues until it has been stripped
14 from his shoulders by evidence satisfying you of guilt
15 beyond a reasonable doubt.

16 The presumption of innocence is not a legal
17 theory, nor a legal phrase. It is a substantial right to
18 which every defendant is entitled, unless you twelve jurors
19 are satisfied from the evidence of each defendant's guilt
20 beyond a reasonable doubt.

21 I remind you that during this trial you and I have
22 certain duties to perform. As the trial judge it is my
23 responsibility to preside over the trial, and additionally I
24 have a duty to rule on admissibility of evidence offered
25 during the trial. You are to consider only the evidence

1 before you. You will consider only the testimony which has
2 been presented, the exhibits which have been made a part of
3 the record, and any stipulations by the lawyers.

4 Additionally I have the duty to charge you on the
5 law in this case. As presiding judge, I am the sole judge
6 of the law and it is your duty to accept it and apply it as
7 I now state it to you.

8 I charge you that if you have any idea as to what
9 the law is or what the law ought to be or should be and it
10 does not agree with what I now tell you the law is, you must
11 abandon your idea, because you are sworn to accept it and
12 apply it as I now state it to you.

13 In every case tried in this courtroom before a
14 jury you twelve become the sole and exclusive judge of the
15 facts in a case. State law does not allow a trial judge to
16 make a comment or a statement to a jury about any fact in a
17 case. You twelve are the sole judges of the facts and you
18 are not to infer from anything that I have said during this
19 trial in ruling on admissibility of evidence or otherwise
20 that I have an opinion about a fact in this case. I charge
21 you and I tell you the law of South Carolina does not allow
22 me, a trial judge, to have an opinion about a fact in this
23 case. This is a matter solely for you twelve to determine.

24 The State of South Carolina has the burden of
25 proving each defendant guilty beyond a reasonable doubt.

1 Proof beyond a reasonable doubt is proof that leaves you
2 firmly convinced of each defendant's guilt. There are very
3 few things in this world that we know with absolute
4 certainty and in criminal cases the law does not require
5 proof that overcomes every possible doubt.

6 A reasonable doubt may be described as the kind of
7 doubt that would cause a reasonable person to hesitate to
8 act. If you have such a doubt as to the guilt of either of
9 these defendants, or both of them, then that defendant or
10 both of them are entitled to a verdict of not guilty.
11 Reasonable doubt may arise from evidence in the case, or it
12 may arise from the lack of evidence in a case.

13 Based on your consideration of the evidence, if
14 you are firmly convinced that each defendant is guilty of
15 the crime charged, you must find that defendant guilty.

16 On the other hand, if you think there is a real
17 possibility that either or both are not guilty, you must
18 give that defendant or both defendants the benefit of the
19 doubt and find him not guilty.

20 You twelve alone must make the individual
21 determination of whether or not reasonable doubt exists as
22 to the guilt of each defendant.

23 Now, ladies and gentlemen, there are two types of
24 evidence which are generally presented in a trial. They are
25 known as direct evidence and circumstantial evidence.

1 Direct evidence is testimony of a person who
2 claims to have actual knowledge of a fact, such as an
3 eyewitness. It is evidence which immediately establishes
4 the fact to be proven.

5 Circumstantial evidence is proof of a chain of
6 facts and circumstances indicating the existence of a fact.
7 It is evidence which establishes collateral facts from which
8 a main fact may be inferred. It is based on inference and
9 not on personal knowledge or observation.

10 The law of this state makes no distinction between
11 the weight or value to be given either direct or
12 circumstantial evidence, nor is a greater degree of
13 certainty required of circumstantial evidence. You twelve
14 should weight all the evidence and after doing so if you are
15 not convinced of the guilt of a defendant beyond a
16 reasonable doubt, you must find that defendant not guilty.

17 Now, under the Constitution of South Carolina you
18 twelve are the finders of facts, and, therefore, you must
19 assess credibility of witnesses who have testified.

20 Credibility simply means believability.

21 It is your duty to analyze and evaluate the
22 evidence and determine which evidence is convincing to you.

23 In determining believability of witnesses who have
24 testified, you may believe one over several, or several over
25 one. You may believe a part of the testimony of a witness

1 and reject the part of the testimony of that same witness.
2 You may believe the testimony in its entirety, or you may
3 reject a witness' testimony in its entirety. You may
4 consider whether any witness has exhibited any interests,
5 bias, prejudice, or motive.

6 Whatever your good judgment and common sense tells
7 you is the most believable testimony is the testimony that
8 you should accept and reject the testimony which you find
9 not to be credible or believable.

10 The Rules of Evidence ordinarily do not permit
11 witnesses to testify to opinions or conclusions, but an
12 exception to this rule exists for a witness we call an
13 expert witness. A witness who by their education,
14 experience and training or profession may state an opinion
15 as to relevant and material matter in which the witness
16 claims to be an expert and also maybe the reasons therefore.
17 You should consider any expert opinion received in evidence
18 like all other evidence and give it the weight you think it
19 deserves. If you decide the opinion of the expert witness
20 was not based on sufficient education nor experience, or
21 that the reasons given in support of the opinion are not
22 sound or is outweighed by other evidence, you may disregard
23 that opinion testimony. I tell you and charge you that an
24 expert witness' testimony is to be given no greater weight
25 than that of other witnesses simply because that witness was

1 qualified as an expert. And, further, you are not required
2 to accept the expert's opinion.

3 I instruct you and emphasize the fact that these
4 defendants did not testify is not a factor to be considered
5 by you in your deliberations and in your consideration on
6 the question of guilt or innocence. It must not be
7 considered by you at all. Every defendant has a
8 Constitutional Right to remain silent and the assertion of
9 the right must not be considered in your deliberation. The
10 burden of proof is on the State and no defendant is required
11 to prove his innocence. The burden of proof remains on the
12 State to prove guilt beyond a reasonable doubt as to each
13 defendant.

14 Now, criminal intent is a necessary element of
15 each crime that must be proved by the State beyond a
16 reasonable doubt. Criminal intent is a matter that must be
17 determined by you, the jury, from the circumstances
18 surrounding the situation. There is no way to prove intent
19 to a mathematical certainty. Medical science cannot dissect
20 a person's brain and determine what that person had in mind,
21 so our law says that criminal intent may be inferred from
22 the circumstances which were shown to have existed.

23 Criminal intent is a state of mind when operated
24 jointly with an act is the commission of a crime. It is a
25 mental state. It is a conscious wrongdoing, so it is up to

1 you twelve to determine which each of these defendants
2 intended to do based on the circumstances shown to have
3 existed.

4 I tell you that the State must prove criminal
5 intent of each defendant beyond a reasonable doubt. It is
6 not necessary to establish by direct or positive evidence,
7 but intent may be established by inference, the same way as
8 any other fact taken into consideration the acts of the
9 parties and the facts of the circumstances of the case.

10 The State must prove intent. Now, while the State
11 may prove motive, it's unnecessary for the State to do so,
12 but they must prove criminal intent.

13 Now, each of these defendants is charged with
14 murder. And in order to prove this crime, the State must
15 prove each defendant killed another person with malice
16 aforethought, either expressed or implied.

17 Malice has been defined as hatred, ill will,
18 hostility towards another. It is the intentional doing of a
19 wrongful act without just cause or excuse and with an intent
20 to kill that the law will infer an evil intent.

21 Malice aforethought does not require that malice
22 exists for any particular time before the act is committed,
23 but malice must exist in the mind of the defendant before
24 and at the time the act was committed. Therefore, there
25 must be a combination of previous evil intent and the act

1 itself.

2 Malice aforethought may be expressed or inferred.
3 These terms expressed and inferred do not mean different
4 kinds of malice, but merely the means and manner in which
5 malice may be shown to exists. It is either by direct
6 evidence or by inference from the facts and circumstances.

7 Expressed malice is shown when a person speaks
8 words which express hatred or ill will for another, or when
9 the person prepared beforehand to do the act which was later
10 accomplished. For example, lying in wait for a person.

11 Malice is wrongful intent to injure another and it
12 indicates a wicked or depraved spirit intent on doing wrong.
13 It is the doing of a wrongful act intentionally without just
14 cause or excuse.

15 Intent means intending the result which actually
16 occurred and not accidentally or involuntarily.

17 Intent may be shown by acts and conduct of each
18 defendant and other circumstances from which you may
19 naturally and reasonably infer intent.

20 Evidence of the character of the act, the
21 character of the instrument used, the manner in which it was
22 used, the purpose to be accomplished and resulting wounds or
23 injuries may be considered in determining intent.

24 The use of a deadly weapon gives rise to a
25 permissive inference of malice. You twelve may draw an

1 inference of malice from proof of the use of a deadly weapon
2 if you conclude such an inference is proper after
3 considering all the facts and circumstances in evidence.

4 You are free to accept or reject the permissive
5 inferences, depending on your view of the evidence.

6 The law says if one intentionally kills another
7 with a deadly weapon, the implication of malice may arise.

8 If the facts are proved beyond a reasonable doubt
9 sufficient to raise an inference of malice to your
10 satisfaction, the inference would be simply an evidentiary
11 fact to be taken into consideration by you, along with all
12 other evidence, and give it such weight as you determine it
13 should receive.

14 A deadly weapon is an article, instrument, or
15 substance which is likely to cause death or great bodily
16 harm. Whether an instrument or object has been used as a
17 deadly weapon depends on the facts and circumstances of each
18 case.

19 Now, if a crime is committed by two or more people
20 who are acting together in committing a crime, the act of
21 one is the act of all.

22 A person who joins with another to commit an
23 unlawful act is criminally responsible for everything done
24 by the other which happens as a probable or natural
25 consequence of the act done in carrying out the plan or

1 purpose.

2 If two or more are together, acting together,
3 assisting each other in committing the offense, the act of
4 one is the act of all, which is sometimes called the hand of
5 one is the hand of all.

6 Prior knowledge that a crime is going to be
7 committed, without more, is not sufficient to make a person
8 guilty of that crime.

9 Mere knowledge that another is going to commit a
10 crime, even if the defendant is present when the crime was
11 committed, is not sufficient to convict a defendant as a
12 principal.

13 Guilt as a principal is shown by actual or
14 constructive presence at the scene as a result of prior
15 arrangement. Therefore, a finding of a prior arranged plan
16 or common scheme necessary for a finding of guilt as a
17 principal. The State must prove beyond a reasonable doubt
18 by competent evidence the theory of the hand of one is the
19 hand of all.

20 A principal in a crime is one who either actually
21 commits the crime or who is present of aiding, abetting, or
22 assisting in the committing of a crime.

23 Aiding and abetting comprehends all assistance
24 required by acts or words of encouragement or support or
25 presence to render assistance, should it become necessary.

1 When a person does an act in the presence of and
2 with the assistance of another, the act is done by both.

3 Where two or more acting with a common plan or
4 intent or present at the commission, it does not matter who
5 actually commit the crime, all are guilty.

6 Present at the commission of a crime means is
7 sufficiently near to aid and abet and assist in the
8 commission of the crime. However, ladies and gentlemen,
9 mere presence at the scene of a crime is not sufficient to
10 convict one as a principal on the theory of aiding and
11 abetting.

12 Intent is also a necessary element, for there must
13 have been a common design or intent to commit the crime and
14 it must have been committed pursuant thereto with the person
15 aiding and abetting by some overt act.

16 Now, where there are two defendants -- there are
17 two defendants in this case and each is charged with murder.
18 What ever verdict you find, it does not have to be the same
19 as to both defendants.

20 Ladies and gentlemen, you take each defendant,
21 consider the evidence as to him alone and write your verdict
22 in accordance and in conformity with the evidence in the
23 case and the instructions I have given.

24 Where more than one person is charged, if the
25 evidence warrants it, you may convict one and acquit the

1 other, or you may acquit both, or you may convict both. It
2 will depend upon your view of the testimony and the evidence
3 which you twelve alone are to pass upon.

4 Now, you twelve have been selected as fair and
5 impartial jurors, sworn to impartially try and determine the
6 facts of this case, and you are to decide this case
7 according to the testimony you have heard from the
8 witnesses, along with the evidence presented in this trial.

9 Ladies and gentlemen, your verdict must be
10 unanimous.

11 Mr. Foreman, when the jury agrees on the verdicts,
12 you will indicate the verdicts in the space provided on a
13 verdict form that I will provide and sign your name as the
14 foreperson of this jury. Knock on the jury room door,
15 inform the bailiff that you have reached verdicts, and at
16 that time we will receive you in the courtroom and -- return
17 you to the courtroom and receive the verdict.

18 During your deliberations, Mr. Foreman, you may
19 only discuss the case in the jury room with fellow jurors,
20 because they have seen and heard the same evidence that you
21 have seen and heard. However, you must not discuss the case
22 with anyone else until the verdict is reached.

23 Mr. Foreman, the jury must be together, all
24 twelve, during deliberations. We have a couple of smokers
25 on the jury. If they decide to smoke, then you will have to

1 cease your deliberations while they smoke, go outside to
2 smoke.

3 If a juror needs to excuse himself or herself to
4 use the restroom facilities or get water, you must cease
5 deliberations until all twelve are together. Deliberations
6 are only proper when all twelve are together.

7 Okay. Mr. Foreman, these are the two verdict
8 forms I'm going to send to you. I'm just going to pick up
9 one of them. They are exactly alike, except for the number
10 and the name. My law clerk makes this in every case I try
11 and it has the caption of the case and it has a number up
12 here, which means nothing, except it goes with one of these
13 indictments.

14 It says "the State of South Carolina versus
15 Franklin Pierre Dover, defendant, we, the jury unanimously
16 find the defendant Franklin Pierre Dover on the charge of
17 murder not guilty; or guilty."

18 I tell you that there is no significance as to
19 whether not guilty is listed first and guilty is second. It
20 merely has to be in some order and I put them in this order
21 in every case that I try.

22 It then says "I certify this decision was the
23 unanimous decision of the jury." It has a line for you to
24 sign your name. It says foreperson underneath it. If you
25 would sign your name and you check, put an X mark, put an

1 initial. It does not matter to me what you use to indicate
2 the verdict of the twelve. I only ask that it be
3 unambiguous, it be very clear which verdict it is so that
4 Madam Clerk can publish it.

5 Once you sign it, it has a place to put the date,
6 and it already has Gaffney, South Carolina underneath it.

7 The other one is exactly the same, except for a
8 different name and it has a different number which goes with
9 Mr. Foster's indictment.

10 Now, I'm getting ready to send you to the jury
11 room. Take your break at that time. We have been running
12 but I didn't want to interrupt them, so take your break, but
13 at the end of the break, we will give you about fifteen
14 minutes, I am going to send all of the exhibits, everything
15 that's been received. It belongs to you. All thirteen will
16 be in the jury room. When my bailiff brings the exhibits
17 and both of these forms, ma'am, you are the alternate, you
18 will leave with my bailiff and come back to the courtroom.
19 Okay? Once the twelve begin their deliberations, you would
20 not be present. It would only be the twelve at that point.
21 So your key to leave and come back to this courtroom will be
22 when my bailiff brings this to Mr. Foreman, along with the
23 exhibits.

24 Now, before we break -- we will let you go on back
25 and break, but do not begin deliberations. Before we break

1 I'm going to ask the lawyers to come forward and meet with
2 my court reporter. All of these exhibits belong to you and
3 I have kept a list and my court reporter has the official
4 list. It is so very easy in closing arguments, because I
5 practiced law a long time before coming up here, it's so
6 very easy to be talking to a jury and lay something down at
7 the table and now it's missing and it belongs to you. So
8 they are going to come forward while you are on break and
9 verify that everything is there, nothing is missing. In
10 about fifteen minutes the bailiff will bring that to you and
11 that is all the evidence in the case and there can be no
12 more. Sometimes I get asked a question. There is no more
13 evidence and that's it. Okay.

14 If you will take them out.

15 Do not begin deliberations. Take your break.

16 And Mr. Bailiff, you may remove that for them.
17 It's going to be in the way.

18 Take your break and I'll send them back to you in
19 about fifteen minutes.

20 (Whereupon, at 3:35 p.m., the jury panel retired
21 to the jury room, awaiting instructions to begin
22 deliberations)

23 MR. MORIN: Your Honor?

24 THE COURT: Yes, sir.

25 MR. MORIN: I apologize if I didn't get this, but

1 sometimes after I get caught in the spirit I lose track. I
2 don't remember if I heard you say about the defendant's
3 right to not testify and not be held against him. If you
4 did, that's fine, but I couldn't remember hearing it.

5 THE COURT: I did.

6 MR. MORIN: It might have been early on.

7 THE COURT: "The defendant has a Constitutional
8 Right to remain silent and the assertion of his right must
9 not be considered you in your deliberations."

10 MR. MORIN: Thank you. That's what I was going to
11 make sure of.

12 THE COURT: Thank you.

13 Anything else from anyone?

14 MS. LESKANIC: Nothing from the State.

15 MR. KENDALL: No, sir.

16 MR. MORIN: No.

17 THE COURT: Ladies and gentlemen, if you will
18 gather up with Mr. Court Reporter and make sure everything
19 is there.

20 (Off the record).

21 (Back on the record)

22 THE COURT: Okay. Do we have everything?

23 MR. MORIN: We do.

24 MS. LESKANIC: Yes, Your Honor.

25 THE COURT: All right. When you take this back

1 there and give all this to Mr. Foreman, then bring the young
2 lady who is the alternate back in here.

3 THE BAILIFF: All right.

4 THE COURT: Thank you.

5 (Whereupon, at 3:52 p.m., the jury panel was
6 instructed to begin deliberations)

7 (Whereupon, the alternate juror was brought into
8 the courtroom)

9 THE COURT: Ma'am, come right around here, please.

10 Ma'am, you are the alternate. The jury has now
11 received the evidence received the case. Pursuant to state
12 law, Title 14-7-1340, once that happens the alternate shall
13 be discharged upon submission of the case for the jury. So
14 you are now discharged. You may turn your badge in and I
15 think she has a pay slip here for you for a million dollars.

16 There is no reason to call tonight, ma'am. The
17 jury is done for the week.

18 ALTERNATE JUROR: All right. Thank you.

19 THE COURT: Thank you.

20 (Whereupon, the alternate juror was discharged
21 from jury service)

22 (Whereupon, at 3:54 p.m., proceedings were
23 recessed, pending the verdict of the jury panel)

24 (Whereupon, at 5:35 p.m., proceedings were
25 reconvened).

1 (Jury Note marked as Court's Exhibit No. 4 for
2 identification)

3 (Whereupon, the lawyers approached the bench for
4 an off-the-record discussion).

5 (Whereupon, at 5:37 p.m., proceedings were
6 recessed, pending the verdict of the jury panel).

7 (Whereupon, at 6:50 p.m., proceedings were
8 reconvened)

9 THE COURT: All right. Before we bring the jury
10 in, I am told that we have a verdict, and if you are in the
11 gallery and cannot control your emotions, I'm going to ask
12 you to leave now, okay? If you can't control your emotions,
13 because we are not going to have any celebration, we are not
14 going to have any outbursts of any kind. If they do, these
15 officers are going to take you into custody and I'll deal
16 with it whenever I get around to hold a contempt hearing,
17 okay? So if you want to leave now, somebody will talk to
18 you later about it, that's fine, but please do so.

19 All right, we will have this jury.

20 (Whereupon, at 6:52 p.m., the jury panel returned
21 to open court to report its verdict)

22 THE COURT: Mr. Foreman, has the jury reached its
23 verdict?

24 JURY FOREPERSON: Yes, we have.

25 THE COURT: If you would hand that to the bailiff

1 and give it to Madam Clerk, please.

2 Madam Clerk, if you will publish the verdict.

3 THE CLERK: 2014-GS-11-875, State of South
4 Carolina versus Franklin Pierre Dover, we, the jury,
5 unanimously find the defendant Franklin Pierre Dover on the
6 charge of murder, guilty.

7 Signed by Foreperson John Powell.

8 2014-GS-11-878, State of South Carolina versus
9 Rajshun Bernard Foster, we, the jury, unanimously find the
10 defendant Rajshun Bernard Foster on the charge of murder,
11 guilty.

12 Signed by Foreperson John Powell.

13 Mr. Foreman and ladies and gentlemen of the jury,
14 if this is the verdict of you all, please indicate by
15 raising your right hand.

16 (Whereupon, all jurors raised their right hands)

17 THE CLERK: Thank you.

18 THE COURT: Polling of the jury from the State?

19 MS. LESKANIC: No, Your Honor.

20 THE COURT: From the defense?

21 MR. MORIN: No, sir.

22 MS. RACINE: No, sir.

23 THE COURT: No polling. Okay.

24 Anything further regarding the jury at this time?

25 (Off the record).

1 (Back on the record)

2 THE COURT: If you would just get the indictment
3 signed and I'll turn it over to you.

4 Mr. Foreman, ladies and gentlemen of the jury,
5 thank you for your service. This will conclude your service
6 this week. I will be working tomorrow and Friday here in
7 the courtroom and you are welcome to come. You won't be
8 required to do so. I'm doing nonjury matters the rest of
9 the week, so we don't need a jury and your brothers and
10 sisters will be released. Actually they have already called
11 that number after six p.m. and told them not to report, so
12 everyone has been released. I'm now releasing you.

13 Again, thank you so very much for your service.
14 Again, I want to invite you any time to come into the
15 courtroom when I'm here. I would love for you to come.
16 This is your courthouse, your courtroom.

17 I'm going to turn it over to Madam Clerk and she's
18 going to pay you now.

19 THE CLERK: I too want to thank you for your time
20 and your service this week. I told you when you checked in
21 on Monday that you play a very important role in the
22 judicial system. This is just a small token. I know some
23 of you were not at work this week and didn't get paid, other
24 than the little bit from Cherokee County. Thank you. But
25 we do thank you. Like the judge said, we are going to

1 continue to move cases this week and we don't need your
2 services, so you are done. You won't need to call in.

3 The county administration building is closed, so
4 you will take this back over there. They are open every day
5 from 8:30 to 5:00. Take it to the treasurer's office. Your
6 treasurer, Ms. Jackie Williams, pays cash for jury service.
7 It's not a check. It's a voucher and the bottom sheet is
8 your work excuse. So if you need anything further for your
9 employer, just have them contact me.

10 When I call your name, you are free to go. Please
11 give the bailiff your badge as you exit and you will be
12 good.

13 (Whereupon, the jury panel was discharged from
14 further service)

15 (Off the record).

16 (Back on the record).

17 THE COURT: Okay. Matters from the State?

18 MS. LESKANIC: (No response).

19 Matters from the defense?

20 MR. MORIN: No, sir.

21 MS. RACINE: No, sir.

22 MR. MORIN: Your Honor, I'll make a motion for a
23 new trial based on the same grounds that I made my directed
24 verdict motion on.

25 THE COURT: Okay.

1 Solicitor?

2 MS. LESKANIC: Your Honor, the jury has heard all
3 of the facts and evidence and they have reached a unanimous
4 decision. We ask the motion be denied.

5 THE COURT: Yes, a new trial motion on behalf of
6 Mr. Dover is denied, in that there was a question of fact to
7 go to the jury, sufficient facts for them to render a
8 verdict.

9 Ms. Racine?

10 MS. RACINE: Thank you, Your Honor.

11 I would also like to make a motion for a new
12 trial.

13 THE COURT: As to Mr. Foster?

14 MS. RACINE: Yes, sir.

15 THE COURT: Okay. Does the State's position
16 remain the same?

17 MS. LESKANIC: Yes, Your Honor.

18 THE COURT: And for the same reason, Mr. Foster's
19 motion is denied.

20 Okay. Anything else?

21 MR. MORIN: No, sir.

22 THE COURT: Okay.

23 Solicitor?

24 MS. LESKANIC: May it please the court, Your
25 Honor, the court has already heard all of the facts related

1 to this case.

2 Both defendants do have prior criminal histories,
3 if the court needs that information.

4 THE COURT: Yes, ma'am, please.

5 MS. LESKANIC: As to Mr. Dover, his record begins
6 in 2006 with possession of a Schedule I through V controlled
7 substance.

8 Possession of marijuana.

9 2011, distribution of crack cocaine.

10 Possession of crack cocaine and possession of
11 marijuana.

12 And a driving under suspension in 2014.

13 And then he picked up these charges, of course, in
14 2014.

15 As to Mr. Foster, his record begins in 2003 with a
16 shoplifting.

17 2004, simple assault.

18 Giving false information.

19 And trespassing.

20 2006, possession of crack cocaine.

21 2007, possession of marijuana.

22 Trespassing.

23 And assaulting a police officer while resisting
24 arrest.

25 Also in 2007, a parole revocation.

1 2011, violation of probation.

2 2013, driving under suspension.

3 And then these charges in 2014, Your Honor.

4 THE COURT: Okay. Mr. Morin?

5 MR. MORIN: Your Honor, my client is thirty-three
6 years old. He's been staying with his fiance and he's also
7 stayed some with his mom, I think, or that's where he would
8 be.

9 He was in jail for six months before he bonded
10 out. He then spent 1,213 days on home detention with
11 electronic monitoring. During that time he was employed and
12 paying his fees and doing was he's supposed to there.

13 And then he's been in jail now for another two
14 months since our last trial.

15 I would ask that he get credit for those.

16 THE COURT: Do you have a total amount?

17 MR. MORIN: I have the days for the home detention
18 and if I could have a moment, I will have it.

19 THE COURT: Sure. Okay.

20 Mr. Dover, would you like to speak?

21 DEFENDANT FRANKLIN PIERRE DOVER: No.

22 THE COURT: No?

23 DEFENDANT FRANKLIN PIERRE DOVER: No, sir.

24 THE COURT: Okay.

25 Ms. Racine?

1 MS. RACINE: Thank you, Your Honor.

2 My client is thirty-two years old.

3 He does own his own home where his sixteen year
4 old son has been living.

5 He also has been working.

6 He spent about six months in jail; out on home
7 detention for approximately four years. Got off of that and
8 he has been in jail since the last trial, approximately
9 sixty-one days. I don't have the exact calculation. I can
10 figure it up, but I don't have it right this second.

11 THE COURT: Okay.

12 2014-0875, Mr. Franklin Pierre Dover, you are
13 sentenced to the Department of Corrections for life.

14 Give you credit for any time that you are
15 entitled.

16 2014-0878, Mr. Rajshun Bernard Foster, Department
17 of Corrections for 35 years.

18 I'll give you credit for the time that you served.

19 This was a senseless crime.

20 Best of luck to both of you.

21 MR. KENDALL: Thank you, Your Honor.

22 MS. LESKANIC: Thank you, Your Honor.

23 (END OF REQUESTED TRANSCRIPT OF RECORD)

24

25

CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Cherokee County, South Carolina, on the 15th, 16th and 17th days of July, 2019.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

JANUARY 16, 2020



Michael R. Watts
Circuit Court Reporter

7-15-19

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Cherokee County Courthouse RANDOM STRIKE SHEET

JUDGE NAME : Kelly, R. Keith
TRIAL TYPE : Criminal
PANEL ID : 2014GS1100878
COURTROOM CTRM

DESCRIPTION : Rajshun Foster & Franklin Dover

Sorted by: Random Nbr
Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	SEATED	REMARKS
						GRT	
1 Williams, Charity M	146	W	F	✓	()	()	S-1
2 Tate, Tamaiya B	135	B	F	✓	()	()	S-2
3 Gregory, Rhonda K	50	W	F	()	()	✓	①
4 Giles, Mark H	46	W	M	✓	()	()	S-3
5 Powell, John D	101	W	M	()	()	✓	②
6 Ramsey, Linda B	107	W	F	()	✓	()	D-1 (DOVER)
7 Mickles, Ruby F	86	B	F	✓	()	()	S-4
8 Revels, Albert W II	109	W	M	✓	()	()	S-5
9 Petty, Roy V	96	B	M	✓	()	()	S-6
10 Wyatt, Carrie E	148	W	F	()	✓	()	D-2 (DOVER)
11 Vitellaro, Raymond P	142	W	M	()	()	✓	③
12 Reynolds, Charles E JR	110	W	M	()	()	✓	④
13 Martin, Karen H	78	W	F	()	✓	()	D-3 (DOVER)
14 Mccullough, Amber B	82	W	F	✓	()	()	S-7
15 Perkins, Samantha K	95	W	F	()	()	✓	⑤
16 Ricci, Shawn A	114	W	M	✓	()	()	S-8
17 Bell, Pauline C	4	W	F	()	✓	()	D-4 (DOVER)
18 Ramsey, Debra D	105	W	F	()	()	✓	⑥
19 Ramsey, Lewis D	106	W	M	()	✓	()	D-1 (FOSTER)
20 Harris, Michael D	53	W	M	()	✓	()	D-2 (FOSTER)
21 Bright, Joe D	10	W	M	()	()	✓	⑦
22 Camp, Barbara D	13	B	F	()	()	✓	⑧
23 Scruggs, Danny L	123	W	M	()	✓	()	D-3 (FOSTER)
24 Cruz, Eugene II	27	H	M	()	()	✓	⑨

**Cherokee County Courthouse
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Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	SEATED GRT	REMARKS
25 Shelton, David A	126	W	M	()	()	✓	(10)
26 Rogers, Sara Julie	99	W	F	()	()	✓	(11)
27 Fipps, Sherri L	40	W	F	()	()	✓	(12)
28 McClure, Adara L	81	W	F	()	()	✓	(13) Alternate #1
29 Reynolds, Lisa M	111	W	F	()	✓	()	D-1 (Dover) Alternate #2
30 Moran, Flores Christian E	88	H	M	()	✓	()	D-1 (Foster) Alternate #2
31 Carlton, Amanda C	15	W	F	()	✓	()	D-2 (Dover) Alternate #2
32 Jones, Wanda L	70	W	F	()	✓	()	D-2 (Foster) Alternate #2
33 Alcantara, Magdalena	2	H	F	()	()	✓	(14) Alternate #2
34 Smiley, Macie C	129	W	F	()	()	()	
35 Hill, Breanna M	55	W	F	()	()	()	
36 Mullinax, Melissa F	90	W	F	()	()	()	
37 Melott, Marian R	84	W	F	()	()	()	
38 Alcantara, Francisco J	1	H	M	()	()	()	
39 Stanford, Jackie E	131	W	M	()	()	()	
40 Robinson, Morgan S	117	W	F	()	()	()	
41 Boggs, Ann H	7	W	F	()	()	()	
42 Turner, Rebecca G	140	W	F	()	()	()	
43 Powell, Amanda L	100	W	F	()	()	()	
44 Levesque, Kimberly D	75	W	F	()	()	()	
45 Richards, Adam D	115	W	M	()	()	()	
46 Judd, Hunter D	71	W	M	()	()	()	
47 Phillips, Nancy G	97	W	F	()	()	()	
48 Sheehan, Suzanne M	125	W	F	()	()	()	

Cherokee County Courthouse
RANDOM STRIKE SHEET

Page 479/81

JUDGE NAME : Kelly, R. Keith
TRIAL TYPE : Criminal
PANEL ID : 2014GS1100878
COURTROOM CTRM

DESCRIPTION : Rajshun Foster & Franklin Dover

Sorted by: Random Nbr
Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
49 Eller, Dorothy I	37	W	F	()	()	()	

Total Number of Jurors: 49

** END OF REPORT **

STATE OF SOUTH CAROLINA

COUNTY OF CHEROKEE

South Carolina

Plaintiff(s),

vs.

Franklin Duver/Raishun Foster

Defendant(s).

IN THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

EXHIBIT LIST

2014-65-11-875

Docket No. 2014-65-11-875

Plaintiff: <u>South Carolina</u>	Defendant: <u>Franklin Duver/Raishun Foster</u>
Attorney: <u>Kim LES/Janic / matt Kendall</u>	Attorney: <u>Michael Morin / Tracy Racine</u>
Hearing Start: <u>7-15-19</u>	Judge: <u>R. Keith Kelly</u>
Hearing End:	Court Reporter: <u>Michael R. Watts</u>

Plaintiff	Exhibit Description	Defendant	Exhibit Description
1.	Photograph	1.	statement of Terrica Bonner
2.	Photograph	2.	
3. <u>ID</u>	Photograph	3.	
4.	Photograph	4.	
5.	Photograph	5.	
6.	Photograph	6.	<u>CT-1 Jury Note</u>
7.	Photograph	7.	<u>CT-2 Juror's Notes</u>
8.	Photograph	8.	<u>CT-3 - Testimony of Susan Crawford</u>
9.	Photograph	9.	<u>CT-4 Jury Note</u>
10.	Photograph	10.	
11.	Photograph	11.	
12.	CAD Sheet	12.	
13.	Photograph	13.	
14.	Photograph	14.	
15.	Photograph	15.	
16.	Photograph	16.	

Submitted and received this 18th day of July, 2019.Michael R. Watts
Court ReporterBrandee McBe
(Deputy) Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

vs. Plaintiff(s),

Defendant(s).) Docket No. _____

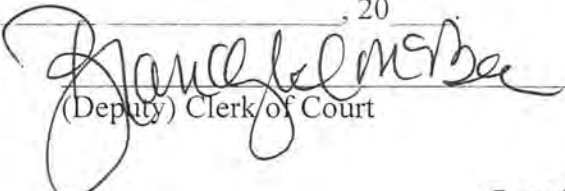
EXHIBIT LIST

Plaintiff:	Defendant:
Attorney:	Attorney:
Hearing Start:	Judge:
Hearing End:	Court Reporter:

Plaintiff	Exhibit Description	Defendant	Exhibit Description
17	Cartridge	1.	
18	Photograph	2.	
19	Photograph	3.	
20	Photograph	4.	
21	Photograph	5.	
22	Photograph	6.	
23	Bullet Fragment	7.	
24	Photograph	8.	
25	Phone REcords	9.	
26	Phone REcords	10.	
27	Phone	11.	
28	Photo Lineup	12.	
29	Photograph	13.	
14.		14.	
15.		15.	
16.		16.	

Submitted and received this _____ day of _____, 20

Court Reporter


(Deputy) Clerk of Court

482
STATE OF SOUTH CAROLINA

COUNTY OF CHEROKEE

Franklin Pierre Dover #380802

Plaintiff(s)

vs.

STATE OF SOUTH CAROLINA

Defendant(s)

Submitted By: Franklin Dover #380802

Address: PCI- 430 Oaklawn Road

Pelzer, South Carolina 29669

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

CIVIL ACTION COVERSHEET

-CP-

22CP-110158

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ General (130) ☐ Breach of Contract (140) ☐ Fraud/Bad Faith (150) ☐ Failure to Deliver/Warranty (160) ☐ Employment Discrim (170) ☐ Employment (180) ☐ Other (199) _____	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20____-NI-_____ ☐ Notice/ File Med Mal (230) ☐ Other (299) _____	Torts - Personal Injury ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Assault/Battery (370) ☐ Slander/Libel (380) ☐ Other (399) _____	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499) _____
Inmate Petitions ☒ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599) _____	Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899) _____	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Incapacitated Adult Settlement (790) ☐ Other (799) _____	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999) _____
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699) _____ ☐ Sexual Predator (510) ☐ Permanent Restraining Order (680) ☐ Interpleader (690)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Pre-Suit Discovery (670)		

Submitting Party Signature:

Franklin Dover

Date:

2-25-2022

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)

County of CHEROKEE)Franklin Pierre Dover #380802)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

Resondents.)IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT**22CP-110158**Case No.: -CP-

APPLICATION FOR

POST-CONVICTION RELIEF

S.C. Code Ann. §17-27-20(a)(1)

S.C. Code Ann. §17-27-45(A)

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention PCI, 430 Oaklawn Road, Pelzer, S.C. 29669
2. Name and location of Court which imposed sentence Cherokee County, P.O. Drawer 2289, Gaffney, S.C. 29342-2289
3. Name(s) of co-defendant(s) (if any) Rajshun Bernard Foster
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Indictment No. 2014-GS-11-00875 - Murder
 - (b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) **July 17, 2019 - Sentenced to the Department of Correction**
- () **for Life With parole eligible**
- () _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty **Yes** _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
- Yes Anders Brief was filed on behalf of Applicant.**
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. **South Carolina Court of Appeals, P.O. Box 11629, Columbia**
- South Carolina 29211**
- Appeal Dismissed**
- (b) the result in each such Court to which you appealed:
- i. **Appeal Dismissed**
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. **January 01, 2022 - February 09, 2022**
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. **Appellate Case No. 2019-001244**
- ii. **Unpublished Opinion No. 2022-UP-060**
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) **Not applicable**

- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: **Trial counsel was ineffective pursuant to STRICKLAND (.) V. WASHINGTON, 466 U.S. 668 (9185), in violation of Applicant's (.) right to effective assistance under 6th Amendment; and its (.) counterpart in the S.C. Const.; U.S. Const. amend VI; S.C. Const. art. I, §14. Too extensive for this page. See attached.**
11. State concisely and in the same order the facts which support each of the grounds set out in (10): **Too extensive for this section, see attached page.**
- (.) **Grounds (a), (b), (c), (d), (e), (f), (g), (h), (i),** _____
- (.) **18 of 18 pages** _____
- (.) _____
12. Prior to this application have you filed with respect to this conviction: **Not Applicable**
- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application: **Not Applicable**
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. **Directed verdict**

ii. _____

iii. _____

iv. _____

(b) the proceedings in which each ground was raised:

i. **Direct Appeal**

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented: **Not Applicable**
- (a) _____
- (b) _____
- (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? **Yes** _____
- (b) your trial, if any? **Yes** _____
- (c) your sentencing? **Yes** _____
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? **No. The PCR statute requires applicant's to initiate collateral proceedings Pro-se.** _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. **Michael Morin, esquire; Public Defender's Office, P.O. Drawer 2289, Gaffney, South Carolina 29342**
- ii. **Robert M. Dudek, esquire; SC Commission on Indigent Defense 1330 Lady Street, Suite 401, Columbia, S.C. 29211**
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. **Trial** _____
- ii. **Direct Appeal** _____
- iii. _____

Revised 3/2003

19. State clearly the relief you seek in filing this application:

Applicant seeks this Court to GRANT, VERSE, and REMAND (GVR)
this case for a new trial.

20. Are you now under sentence from any other court that you have not challenged?

No.

STATE OF SOUTH CAROLINA)
)
County of CHEROKEE)

VERIFICATION

I, **Franklin Pierre Dover #380802**, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me at this time for vacating, setting aside or correcting the convictions and sentence attacked in this application; and that the matters and allegations therein set forth are true and correct.

Franklin Dover
Franklin Pierre Dover #380802
Applicant

SWORN to and subscribed before me this 25
day of February 2022

Tamara Conwell (L.S.)
Notary Public

My Commission Expires: September 25, 2023

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, **Franklin Pierre Dover #380802**, hereby apply for leave to proceed in this action without prepayment of fees or costs or security thereof. In support of my application I declare under penalty of perjury that the following facts are true:

- (a) I am the applicant in this action and I believe I am entitled to redress.
- (b) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Franklin Dover
Applicant

SWORN or affirmed to and subscribed before me this

25 day of February 2022

Tamara Conwell
Notary Public

My Commission Expires

My Commission Expires: September 25, 2023

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, GA
2022 MAR -3 AM 10:51
BRANDY W. MOORE

ARREST WARRANT

2014A1110100420

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Cherokee

THE STATE
against

Franklin Pierre Dover

Address: 600 N Limestone St Room 204

Gaffney, SC 29340-2437

Phone: SSN: [REDACTED]

Sex: M Race: B Height: 6 Weight: 195

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0110000

Prosecuting Agency: Cherokee County Sheriff

Prosecuting Officer: Richard P Burgess - 0007

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant

on

7-17-14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
125 E. Floyd Baker Blvd
Gaffney, SC 29342

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Cherokee

Personally appeared before me the affiant Richard P Burgess who

being duly sworn deposes and says that defendant Franklin Pierre Dover

did within this county and state on or about 6/22/2014

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Cherokee

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on June 22, 2014 in the county of Cherokee, one Franklin Pierre Dover did, with malice aforethought, cause the death of
victim by shooting the victim. Warrant based on investigation by the Cherokee County Sheriff's Department

Case Number: 2014-2822

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Cherokee

Affiant's Address 312 E. Frederick St.

Gaffney, SC 29340-

Affiant's Telephone (864)489-4722

ORIGINAL

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/22/2014 defendant Franklin Pierre Dover

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Cherokee) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 7/17/2014

Signature of Judge (L.S.)

Signature of Judge

Mike Clary

Judge Code: 5055

Judge's Address Post Office Box 336

Gaffney, SC 29342

Judge's Telephone (864)487-2533

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Page 79
12/1/2014
Approved by
S.C. Attorney General
12/1/2014FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2014 JUN 22 AM 9 36
BRADLEY W. MOBEE

STATE OF SOUTH CAROLINA
County of CHEROKEE

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

22CP-110158

Franklin Pierre Dover #380802
Applicant,

Case No. _____-CP-_____-_____

v.

SUMMONS

State of South Carolina
Respondent.

TO: THE RESPONDENTS, STATE OF SOUTH CAROLINA

YOU ARE SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint upon Cherokee County Clerk of Court, Post Office Drawer 2289, Gaffney, South Carolina 29342, within ninth (90) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Date: 2-25, 2022

/s/ Franklin Dover pre-se
Franklin Pierre Dover #380802

Applicant

Peizer, South Carolina

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 MAR -3 AM 10:50
BRANDI L. JONES

7

RELEVANT FACTS

On Sunday, June 22, 2014, at the Connecticut Apartments, Terrica Bonner was driving into the apartment complex where she saw the "Slick" [the decedent] walking in the parking lot. She stopped and talked to him. However, during this encounter, Bonner did not inform the decedent that Rajshun Foster had been looking for him a couple of days ago. Although she saw Foster driving through the apartment complex in his girlfriend's car at the same time. Bonner also testified that there were two other men inside the car; Applicant wasn't one of them. She left the apartment complex. Trial Record (Tr.)

At trial, Terrica Bonner maintained that only Foster had come by her apartment looking for Slick before the murder. In her testimony she stated that she saw no weapons and that no threats were made but Foster had "something for him to do." Tr. page 120 at 13. Two days before the murder, Bernice Dowdle recalled that Foster asked her if she had seen Slick. She told him that she did not. So Foster told Dowdle to tell Slick he was looking for him if she saw him. Dowdle explained Foster did not act like he was "angry" Tr. page 131 at 15. Dowdle testified that the next time she saw Slick she told him Foster said he "[was] looking for [him] dead or alive." Tr. page 132 at 16-19. Dowdle said this was an expression she used, not Foster's.

In conjunction, Dowdle thought Foster and Slick was cool. In response, Foster stated: "I did too." Tr. page 131 at 25; page 132 at 2-3.

Kiara Douglas who also lived in Connecticut Village. She testified she had known Slick for a few months. On the day of the murder, she said that Slick came to her apartment and he was "nervous." He allegedly told Douglas that he had gotten into an argument with Foster. Significantly, Douglas admitted she did not see Foster [or the Applicant] that day, nor did she see any altercation between them and the decedent.

Page 3 attachment

FORM 5

However, on the day of the murder, Sharie Studyvance, who lived in Connecticut Village, did testify to what she saw as she was riding by in her car. She testified that: "I was going to this apartment over here to take a lady to the store. I saw here Shawn Fawlk [Foster] and Slick over here arguing on the side." Tr. page 180 at 12-15 "I saw "Gwap" [Applicant] about right here." Id. at 12-17.

A: "I saw "Slick" and Rajshun arguing. "Slick" was walking away because he did not want to fight Rajshun, and he always would back up. When Rajshun run up on him, he would back up.

Q: So Rajshun was running up on "Slick:?"

A: Yeah and "Slick" will back up.

Q: Was "Slick" yelling back at him, or who was doing most of the yelling?

A: Rajshun was doing most of the yelling. "Slick" was saying "I don't want to fight."

Trial record page 181, line 10-19.

At trial, Studyvance testified that Applicant was there but he was standing by his car on the driver's side. Id. Later that day "Slick" was shot. No one seen the murder.

The state completed the picture when it introduce Susan Crawford, who heard what sound like an argument. Tr. 309 at 17-18. When she looked out the window to see who was in the verbal confrontation, show Foster cursing at Slick. She testified that it only last a few minutes and then "Slick walked off" in the direction of the upper part of the complex. Tr. page 310 at 23-25 through 311 at 1. Then Foster went to the trunk of the car ^{Applicant} was driving and pulled out a "Lebron James jersey" and the Applicant walked over and they starting having a conversation about the jersey. Ms. Crawford stated that "Slick had done walked off. I never seen [Applicant] speak or talk to "Slick" at all." Tr. page 311 at 3-14; 19-20.

10. State concisely the grounds on which you base your allegation

FORM 5

that you are being held in custody unlawfully:

a.

That trial counsel was ineffective for not requesting the prior trial transcript to hold the state witness to consistency of their prior trial testimony.

b.

That trial counsel failed to object to allowing Applicant to be tried with his alleged co-defendant, Rajshun Foster, when a sever trial was required; violated the Confrontational Clause and the right to a fair trial.

c.

That trial counsel was ineffective when he failed to object to the hand of one is the hand of all theory of accomplice liability because no evidence supported the charge.

d.

Accordingly to the standard of JACKSON V. VIRGINIA, 443 U.S. 307 (1979), trial counsel was fatally ineffective for failing to properly and conclusively argue the Applicant's motion for Direct verdict.

e.

That trial counsel failed to recognized the state scheme, his co-defendant's counsel scheme to piggy back on Rajshun Foster inference of guilt upon Applicant as third-party guilt, when the state never prove common scheme or plan that Applicant had intent to commit a crime.

f.

Was appellate counsel ineffective because trial counsel deficient performance for not properly addressing trial counsel motion for directed verdict, when the evidence was insufficient to find Applicant guilty of murder.

g.

Ineffective assistance of appellate counsel for the failure to address a 6th Amendment violation to the right to confront

Page 3 attachment

FORM 5

witnesses, when trial counsel objected to the prejudicial effect of Jasmine Hudson testimony elicited by co-counsel cross-examination, violated the Confrontational Clause of 6th and 14th Amendment.

h.

Trial counsel was ineffective for not making a pretrial motion challenging the sufficiency of the indictment.

i.

Was trial counsel ineffective for failing to object to the testimony of Rajshun Foster purchasing marijuama; "bad act" that prejudice Applicant of a fair trial, violating Rule 403, 404 and 404(b), SCRE.

FORM 5

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

a.

STATE V. McMILLIAN, 349 S.C. 17 (2002), established the principle that cross-examination (under the Confrontational Clause) is frustrated when a defendant facing a subsequent trial is not permitted access to the transcript of his previous trial or courtroom access to the court reporter (with her records of the previous proceedings).

In the Applicant's case herein his trial counsel made no effort to obtain the prior trial record, in order to hold witnesses to their previous testimony. It was only until the subsequent trial that certain witnesses name Applicant along with Rajshun Foster. Therefore, it can be presumed the state introduce coerced and perjured testimony or/and trial counsel allowed the state to misrepresent the facts that denied Applicant a fair trial.

b.

Franklin Dover and Rajshun Foster, were charged, jointly tried, convicted, and sentenced for the crime of murder. However, trial counsel failed to motion the court to conduct a sever trial motion based on the trial would be constitutional error of the first magnitude.

The Sixth Amendment provides that: "IN all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him." In POINTER V. TEXAS, 380 U.S. 400, 406 (1965) held that the confrontation guarantee of the Sixth Amendment including the right of cross-examination "is to be enforced against the states under the Fourteenth Amendment according to the same standards that protect those personal rights against federal encroachment.

Joint trials have been recognized as a fair means of adjudicating criminal cases. In ZAFIRO V. UNITED STATES, 506 U.S. 534, 537 (1993), the Supreme Court states that joint trials "serve the interest of justice," including accuracy, fairness,

Page 3 attachment

FORM 5

and efficiency. However, here, the Applicant was denied to present evidence of accuracy because trial counsel inability to accurately present a more "complete view" of the relevant facts or lack thereof, that would had been possible in a separate trial. Due Process requires a jury to make a reliable judgment about individual defendants in joint proceedings, even if jurors are exposed to evidence that is properly considered as to one defendant, but not as to the other. The trial judge did not relay on accurate and just instruction to ensure that each defendant is judged based only on evidence relevant and admissible as to Applicant. Trial ^{counsel} failed the Applicant in the light of the 'almost invariable' presumption that the juror, follow their instruction. See RICHARDSON V. MARSH, 481 U.S. 200, 206 (1987).

Here, Applicant contends that his joint trial with his alleged co-defendant amount to a denial of due process of law when Applicant could not argue at trial that:

- i. He ^{did not have} possession of a weapon with the intent to do harm.
- ii. That there was no pre-arranges plan.
- iii. That there was no ill will or had bad blood with the victim.
- iv. That he did not committed an overt act in which accomplice liability could be alleged.

State clearly, Applicant had an apparent conflicting defense. e.g., STATE V. AVERY, 374 S.C. 524 (2007). There was to much disparity 'exist between Applicant and Foster'. The state never presented a conspiracy agreement between Applicant and Foster to commit murder. Cf. STATE V. GARRETT, 350 S.C. 613 (200). Applicant had right to a meaningful opportunity to present a complete defense.

c.

JURY INSTRUCTION

"
19 Now, if a crime is committed by two or more people 20 who are acting together in committing a crime the act of 21 one is the act of all. 22 A person who joins with another to commit an 23 unlawful act is criminally responsible for every-

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thing done 24 by the other which happens as a probable or natural
 25 consequence of the act done in carrying out the plan or 1
 purpose. 2 If two or more are together, acting together, 3
 assisting each other in committing the offense, the act of 4
 one is the act of all, which is sometimes called the hand of
 5 one is the hand of all. 6 Prior knowledge that a crime is
 going to be 7 committed, without more, is not sufficient to
 make a person 8 guilty of that crime."

Trial record page 461 at 19 through page 462, line 1-8.

The charge here was objectively unreasonable to find guilt
 under this theory when the jury misunderstood the level of mens
 rea needed to find Applicant guilty as an accomplice to murder.

There was no evidence that Applicant had prior knowledge
 or his conduct promoted or facilitated the commission of murder.
 Trial ^{Counsel} failure to object that no where in the instruction did
 the trial court stated Applicant had to have knowledge that
 promoted or facilitate the crime.

Trial counsel failed to bring to the court's attention that
 the state failed to present evidence that Applicant had knowledge
 and that he aid or agrees to aid Foster. The record only shows
 that Applicant mere presence at the apartment complex but nothing
 more, did not make Applicant an accomplice. The state must show
 that Applicant presence and his conduct together with a common
 scheme or plan.

Applicant was denied due process because Applicant did not
 encourage each element of the offense. BARBER V. STATE, 393
 S.C. 232 (2011); STATE V. WASHINGTON, 431 S.C. 394 (2020); WILDS
 V. STATE, 407 S.C. 432 (2014). State v. Campbell, 2021 WL 6060813
 d.

Directed Verdict

Applicant's trial counsel move the trial court for a directed
 verdict:

Mr. Morin: "Your Honor, at this time Mr. Dover [Applicant]

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makes a motion for a directed verdict, in that the identity of the shooter is in question that would cause the jury to have to speculate as to his guilt."

Trial record page 401, line 20-23.

It is beyond question that trial counsel inadequately argued Applicant's motion for a directed verdict. He did not assert any case law. He failed to assert or adequately address the facts presented and not presented to the jury. He failed to assert the weakness of the state's case against his client could be deem no representation at all.

Applicant further contends that the state only presented only a scintilla of evidence that Applicant was involved in the desendent's death. At trial, the state presented no evidence of "guilt" or that there was an "conspiracy."

In light of the totality of the circumstances, the circumstantial evidence relied upon by the state was not "substantial" and merely raises a "suspicion of guilt." Trial counsel failed the Applicant at the critical stage of his trial.

Although he identify the jury would have to **speculate** as to his client guilt, however, failed to argue that and

1. There was no weapon linking the Applicant to the corpus delict.
2. There was no eye witnesses to the murder.
3. Neither intent or premeditation could be assigned to Applicant.
4. No forensic evidence implicated the Applicant.
5. No physical evidence implicated the Applicant.
6. The state failed to show any antagonistic behavior of the Applicant towards the victim.
7. None of the evidence presented by the state to show there was an agreement between Foster and Applicant, nor did it prove it by a "specific overt act."
8. None of the evidence presented by the state place Applicant the crime. e.g., STATE V. MARTIN, 533 S.E.2d 572 (2000); STATE V. SCHROCK, 322 S.e.2d 450 (1984), and
9. No motive was ever suggested by the state. e.g., HOUSE V. BELL, 126 S.Ct. 2064 (2006).

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The only evidence presented by the state against Applicant was he was in the area; in his own car and had left the area in his own car, well after Foster confrontation with the victim. e.

Applicant contends that his defense requires a "clear link" or "direct connection" between Rajshun Foster and the crime in question. See also PCR Ground (b) and (c) supra. See also e.g., CHAMBERS V. MISSISSIPPI, 410 U.S. 284 (1973). Applicant states that Rajshun Foster trial counsel had argued as Directed verdict that:

Ms. Racine: "I would also like to make the motion for Mr. Foster for a different reason. Your Honor, there has been no testimony to prove that my client had any reason to be angry at the victim. He didn't try to kill him. Mr. Bonner, who was in the car, he can't even testify whether or not my client even knew there was a gun in his car when he dropped the other two off. At this point, Your Honor, I just don't think there is enough to send it to a jury.'

Trial record page 403, line 1-7.

It is clear that Foster's trial counsel whole strategy was third party culpability; not accomplice liability.

Trial counsel failed Applicant under UNITED STATES V. CRONIC, 466 U.S. 648 (1984) standard, when he did not review Foster's counsel or the prosecutions case under the general balancing analysis to determine that the evidence presented by Foster's counsel was not evidence of third-party culpability. Trial counsel simply ^{failed to object} to this motion. To allow this to go uncorrected.

Applicant contends he was denied a fair trial because the state "must do more than raise a mere suspicion that another person committed the crime; then try to tie it as hand of one is the hand of all. SMITART V. ALASKA, 988 P.2d 583, 583 (Alaska 1999)(direct connection); NORTH CAROLINA V. POTTS, 433 S.E.2d 736, 741 (N.C. 1993)(Points directly). See also STATE V. GREGORY, 198 S.C. 98, 104-105 (1941).