

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Chester County  
Honorable Brian M. Gibbons, Circuit Court Judge

RECEIVED  
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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

J.C. BOWLER,

APPELLANT

APPELLATE CASE NO 2017-001115

\_\_\_\_\_  
RECORD ON APPEAL

ROBERT M. PACHAK  
Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

SAMUEL M. BAILEY  
Assistant Attorney General  
S.C. Bar No. 103131  
P.O. Box 11549  
Columbia, South Carolina 29211  
(803) 734-0918

RANDY E. NEWMAN JR.  
Solicitor, 6<sup>th</sup> Judicial Circuit

ATTORNEYS FOR RESPONDENT

# INDEX

|                                                  |    |
|--------------------------------------------------|----|
| INDEX .....                                      | i  |
| TRIAL TRANSCRIPT (Dated April 24-28, 2017) ..... | 1  |
| PROFFER TESTIMONY                                |    |
| STEPHANIE GORE                                   |    |
| Direct Examination by Ms. Lively.....            | 8  |
| Cross Examination by Mr. Jones .....             | 10 |
| Redirect Examination by Ms. Lively .....         | 11 |
| CRYSTAL GORE                                     |    |
| Direct Examination by Ms. Lively.....            | 12 |
| Cross Examination by Mr. Jones .....             | 14 |
| MOTION TO SEVER.....                             | 22 |
| COURT’S RULING .....                             | 23 |
| OPENING STATEMENT BY MS. LIVELY .....            | 26 |
| OPENING STATEMENT BY MR. JONES .....             | 31 |
| TESTIMONY                                        |    |
| GENE WRAY                                        |    |
| Direct Examination by Ms. Lively.....            | 33 |
| Cross Examination by Mr. Jones .....             | 42 |
| PAULINE CALDWELL                                 |    |
| Direct Examination by Ms. Lively.....            | 43 |
| Cross Examination by Mr. Jones .....             | 53 |
| Redirect Examination by Ms. Lively .....         | 56 |
| CEDRICK LAMAR JACKSON                            |    |
| Direct Examination by Ms. Lively.....            | 57 |
| Cross Examination by Mr. Jones .....             | 76 |
| APRIL DUNIFER                                    |    |
| Direct Examination by Ms. Lively.....            | 80 |

ARTHUR JENNINGS

|                                       |    |
|---------------------------------------|----|
| Direct Examination by Ms. Lively..... | 89 |
| Cross Examination by Mr. Frick.....   | 95 |

DWIGHT LAND

|                                          |     |
|------------------------------------------|-----|
| Direct Examination by Ms. Lively.....    | 101 |
| Cross Examination by Mr. Jones .....     | 110 |
| Redirect Examination by Ms. Lively ..... | 113 |
| Recross Examination by Mr. Jones.....    | 116 |

CRYSTAL GORE

|                                       |     |
|---------------------------------------|-----|
| Direct Examination by Ms. Lively..... | 121 |
| Cross Examination by Mr. Frick.....   | 126 |

STEPHANIE GORE

|                                       |     |
|---------------------------------------|-----|
| Direct Examination by Ms. Lively..... | 127 |
| Cross Examination by Mr. Jones .....  | 131 |

PHILLIP PERRY

|                                       |     |
|---------------------------------------|-----|
| Direct Examination by Ms. Lively..... | 135 |
| Cross Examination by Mr. Jones .....  | 154 |

HENRY HAMACHER

|                                       |     |
|---------------------------------------|-----|
| Direct Examination by Ms. Lively..... | 160 |
| Cross Examination by Mr. Jones .....  | 163 |

ROGER "CHUCK" STARNES

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Ms. Lively.....   | 164 |
| Cross Examination by Mr. Frick.....     | 172 |
| Redirect Examination by Ms. Lively..... | 178 |

KEITH LEWIS

|                                       |     |
|---------------------------------------|-----|
| Direct Examination by Ms. Lively..... | 179 |
| Cross Examination by Mr. Jones .....  | 189 |

PHILLIP PERRY

|                                       |     |
|---------------------------------------|-----|
| Direct Examination by Ms. Lively..... | 195 |
| Cross Examination by Mr. Jones .....  | 198 |

CRAIG HART

|                                       |     |
|---------------------------------------|-----|
| Direct Examination by Ms. Lively..... | 200 |
| Cross Examination by Mr. Jones .....  | 226 |

LAURIE SHACKER

|                                       |     |
|---------------------------------------|-----|
| Direct Examination by Ms. Lively..... | 229 |
| Cross Examination by Mr. Jones .....  | 233 |

|                                       |     |
|---------------------------------------|-----|
| JOHN ROBERTS                          |     |
| Direct Examination by Ms. Lively..... | 234 |
| Cross Examination by Mr. Frick.....   | 246 |
| MOTION FOR DIRECTED VERDICT.....      | 254 |
| COURT’S RULING .....                  | 255 |
| CLOSING ARGUMENT BY MS. LIVELY .....  | 256 |
| CLOSING ARGUMENT BY MR. JONES.....    | 278 |
| VERDICT .....                         | 297 |
| SENTENCING .....                      | 299 |
| INDICTMENTS .....                     | 301 |
| CERTIFICATE OF COUNSEL .....          | 305 |

**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:**

**STATE’S EXHIBIT NO. 23 (Audio CD-ROM from Law Enforment interview with  
Appellant published at trial. *See* Tr. p. 200)**



1 STATE OF SOUTH CAROLINA  
2 COURT OF GENERAL SESSIONS  
3 COUNTY OF CHESTER  
4 2010-GS-12-00734

5 State of South Carolina

6 vs.

7 J. C. Bowler

8

9 Chester, South Carolina

10 Aril 24-28, 2017

11 Before the Honorable Brian Gibbons

12

13 APPEARANCES

14 For the State: Candace Lively, Randy Newman

15 For the Defendant: Justin Jones, William Frick

16

17 Reported by: Michael C. Watkins

18 Official Court Reporter

19

20

21

22

23

24

25

## VOIR DIRE

1           THE COURT: We will now commence, ladies and  
2 gentlemen, with selecting a jury for a trial which is  
3 coming up, so at this point in time I'm going to have the  
4 State call the case. Madam Solicitor?

5           MS. LIVELY: Thank you, Your Honor. Your Honor, this  
6 is State of South Carolina versus J. C. "Jock" Bowler,  
7 there are two charges in this particular case;  
8 2010-GS-12-733 for pointing and presenting a firearm,  
9 2010-GS-12-734, murder.

10          THE COURT: Thank you. Ladies and gentlemen of the  
11 jury panel, we're about to begin the trial of the case as  
12 you heard entitled the State of South Carolina versus J. C.  
13 or Jock Bowler. Now, before we select a jury there are  
14 several questions which I need to ask you, and I'll remind  
15 you that you are under oath from previously this morning  
16 and we'll run through it the same way that we did earlier.  
17 If a question applies to you, stand, the first question I'm  
18 going to ask you is please let me know your juror number if  
19 you know it, so please make sure you know it, and then  
20 we'll go through the questions from there. Before we do  
21 that I'm going to have all the lawyers involved in the case  
22 and any people seated at their table who may be involved in  
23 the case introduced as well. In South Carolina lawyers who  
24 prosecute criminal cases are called solicitors, they're  
25 called district attorneys or DA's elsewhere, or State's

## VOIR DIRE

1 to be in your jury room? 2:30. You are down for lunch.  
2 Remember what I said about talking -- but before you leave  
3 number one, you know nothing about the case other than the  
4 names, okay? Can't go seek information about the case, you  
5 cannot do any independent research on the case, okay? Your  
6 verdict -- and I'll tell you this when I'm charging you --  
7 is based solely on the evidence presented in this  
8 courtroom, okay? Nothing outside. So you can't read any  
9 news reports, don't go Googling, searching fames,  
10 Facebooking, any of that, okay? That would be violating  
11 your oath to serve as jurors in this courtroom, okay?  
12 Don't talk to anybody, not even your husband, spouse, et  
13 cetera, okay, just do not do that, okay? I'll describe  
14 that more in detail when you come back this afternoon,  
15 okay? Thank you very much, y'all take a break, be back in  
16 your jury room no later than 2:45 so we can start this  
17 afternoon.

18 (The jury left the courtroom and the remaining panel  
19 was dismissed.)

20 (A lunch break was taken.)

21 MS. LIVELY: Your Honor, Crystal Gore has not  
22 returned, she was going to be one of the witnesses that we  
23 were going to call for this proffering testimony but it's  
24 not absolutely necessary, I just thought it would assist  
25 the Court to have her here as well. I can proceed with the

## PRETRIAL MOTIONS

1 actual victim in the case.

2 THE COURT: Yeah, here is the deal, I don't want to  
3 deal with this anymore. I want law enforcement to go pick  
4 her up and keep her -- I want somebody sitting beside her  
5 in the courtroom so -- I don't want to have to keep dealing  
6 with this. I know she was here this morning and made a big  
7 issue about how she had been here all morning, I don't know  
8 anything about that, okay? But I've already issued the  
9 bench warrant and the bench warrant is in effect so y'all  
10 go get her.

11 MS. LIVELY: Well, we can go ahead get started. The  
12 State -- in regard, Your Honor, to the motion for bad act  
13 evidence, Lyle evidence under this case the State is ready  
14 to proceed. The State's position, Your Honor, is that  
15 there was an incident that occurred on the very date that  
16 the victim, Faris Wray, was murdered, and the allegations,  
17 of course, are that this defendant was the -- is the  
18 suspect and he's the actual one that killed Faris. The  
19 factual situation is this: At about 4:00 on September 8th,  
20 which is the date that Faris was shot and killed, a call  
21 came into Chester County regarding a pointing and  
22 presenting of a weapon. Whenever law enforcement responded  
23 this person here, Stephanie Gore, who is the mother of  
24 Crystal Gore -- crystal Gore has been in a relationship  
25 with Mr. Bowler, at the time -- they were actually living

## PRETRIAL MOTIONS

1 together at the time and she had just had his baby who was  
2 about a month old at that time. Ms. Stephanie Gore was at  
3 the home going to see the baby and Crystal, and while she  
4 was there an altercation, an argument ensued between Jock  
5 Bowler, Stephanie Gore and Crystal Gore. At that time  
6 Stephanie Gore had the one month old baby in her arms. As  
7 the argument continued at some point, according to Ms.  
8 Gore, that being Stephanie Gore, he ran upstairs and when  
9 he came back down he had a weapon in his hand, a black gun.  
10 As she stood there he continued to be threatening, she even  
11 made a comment that, "Are you going to shoot me now?" And  
12 at that point Crystal Gore called 911. Before the police  
13 could get there the defendant left on foot with the weapon  
14 in his hand. Those are the allegations, Your Honor. And  
15 I'm ready and prepared to call Stephanie Gore and proffer  
16 her testimony regarding that issue. One thing I wanted to  
17 be clear about was I filed the motion regarding prior bad  
18 act evidence, and I said in my bottom paragraph it was an  
19 uncharged offense but that is not true, it's actually a  
20 charged offense obviously because I called the case of  
21 pointing and presenting whenever we started this particular  
22 matter less. Your Honor, than five hours after this  
23 happened Faris Wray was dead, and what we have is clear  
24 information that cannot be severed from the actual murder  
25 charge when you've got the defendant who had just been

## PRETRIAL MOTIONS

1 actually involved in a pointing and presenting within hours  
2 of the murder of Faris Way. And under prior bad act  
3 evidence if the State is not able to show the totality of  
4 the circumstances regarding the earlier event and how it  
5 then led to the shooting and murder of Faris Way, then the  
6 jurors will not have a full picture of exactly what was  
7 going on that day that led up to his murder. For you to  
8 also understand, Your Honor, in regards to our position is  
9 that Faris Way and Jock Bowler, both having children with  
10 this woman, there was that animosity between the two of  
11 them regarding constant contact with Crystal. Without them  
12 both having babies with this woman they're going to forever  
13 be tied to one another. So what ended up happening in this  
14 particular case was you have the defendant where we have  
15 evidence that he had a weapon earlier that day, was able,  
16 ready and presented to use it, and the State is going  
17 forward on that particular charge. And then, like I said,  
18 within five hours -- within five hours the shooting of  
19 Faris Wray happened. Your Honor, the State has presented  
20 all of the justification for this particular information.  
21 First of all it's obviously relevant to this particular  
22 case. The defendant, when he goes in the very next day to  
23 be interviewed by law enforcement, claims that he did not  
24 have a gun, he doesn't have a gun, and no, that didn't  
25 happen that way, he never had a gun. So in that particular

## PRETRIAL MOTIONS

1 statement, Your Honor, as another way of addressing the  
2 totality of the circumstances he is denying that he would  
3 have had access to a weapon, and we have a witness from the  
4 day before who stated that he clearly came down with a  
5 weapon in his hand and presented it while she was in the  
6 same room with him. So in looking at rule 404.B cases and  
7 the admissibility of this type evidence, in order to  
8 actually have the State be able to prove all of its  
9 elements of the crime, and that would be malice  
10 aforethought and the fact that he had access and the  
11 ability and did present a weapon earlier that day if the  
12 jury were to believe our witness, then it was critical to  
13 the trial of our case on the charge of a shooting murder.  
14 If this was a stabbing we might have a different situation,  
15 but what we have is an actual shooting with a gun that  
16 killed Faris Wray, and we have the defendant who was  
17 presenting a gun within five hours earlier that day. So if  
18 he is also saying that, "Well, I didn't have a weapon,"  
19 well, this is to show that he did. And he's not trying to  
20 say that it was a mistake or accident, he's just saying  
21 that it wasn't me and I didn't have a gun. He admits to  
22 being there that night at the actual Odoms Store where  
23 Faris Wray was shot, he admits to seeing Faris Wray there  
24 but then he says he leaves. So Your Honor, for the theory  
25 of the State's case in regards to him being upset earlier

## PRETRIAL MOTIONS

1 with Faris Wray and his own baby's mother, children's  
2 mother, presenting the gun, leaving the house with the gun  
3 and then within five hours seeing the man who brings it  
4 back to him everyday when he looks at the woman that he has  
5 a baby with, he lost it, and that is the theory of the  
6 State's case. So we believe that to keep us from being  
7 able to show that prior incident would be detrimental to us  
8 being able to proceed.

9 THE COURT: Do you wish to proffer a witness at this  
10 time?

11 MS. LIVELY: I do, Your Honor.

12 THE COURT: Before you do that, any argument from the  
13 defense at this time or do you want to wait until after?

14 MR. JONES: I'll wait until after the testimony, Your  
15 Honor.

16 THE COURT: Go ahead and call your witnesses to  
17 proffer.

18 MS. LIVELY: Stephanie Gore.

19 The witness, STEPHANIE GORE, was first duly sworn and  
20 Testified as follows:

21 DIRECT EXAMINATION

22 BY MS. LIVELY:

23 Q You are the mother of Crystal Gore; is that correct?

24 A Yes, I am.

25 Q Please tell the Judge what happened on September 8,



## PRETRIAL MOTIONS

1 2010 around 4:00 in the afternoon.

2 A Well, I went to visit my daughter and my  
3 grandchildren -- my daughter and my grandchild, and  
4 somehow when I went there she was crying and so I guess  
5 her and J. C. had an argument, so me and him got into it,  
6 okay, so me and him got into it. Then the next thing I  
7 know he was calling his mom and his aunt, so we got into  
8 it -- I got into it with them then, and then it got so bad  
9 he went upstairs and got a gun and came back down, and his  
10 mom and his aunt had to hold him so he wouldn't shoot, I  
11 guess shoot me. So I guess after that he left with the  
12 gun.

13 Q All right. Now, let me just back you up for a minute.  
14 You said that he went upstairs and when he came back down  
15 he had a gun in his hand.

16 A Yes, he did, it was a black gun.

17 Q It was a black gun.

18 A Uh-huh.

19 Q And did you feel threatened or scared at that point?

20 A Yes, I did.

21 Q All right. And who was it that called 911 at that  
22 point?

23 A My daughter, Crystal Gore.

24 Q All right. Now, at the time when the police arrived,  
25 did you actually provide a statement to them and file an

## PRETRIAL MOTIONS

1 incident report against the defendant?

2 A Yes, I did.

3 Q And you're still wishing to go forward on that charge,  
4 correct?

5 A Yes, I do.

6 Q And whenever he left at that point in time you said he  
7 still had the gun in his hand?

8 A He still had the gun in his hand when he left out the  
9 door.

10 MS. LIVELY: Thank you. Answer any questions the  
11 Court or defense may have for you.

12 THE COURT: Mr. Jones?

13 CROSS EXAMINATION

14 BY MR. JONES:

15 Q Ms. Gore, you said he had a black gun?

16 A It was black, yes.

17 Q Can you describe it anything beyond that or just it  
18 was a black gun?

19 A I just seen it was a black gun. In the state I was  
20 in I just seen a black gun in his hand and his aunt and  
21 his mother was holding him.

22 Q Did he have anything else in his hand?

23 A No, he didn't.

24 Q Nothing else in his hand, just a gun.

25 A Just a gun.

## PRETRIAL MOTIONS

1 Q Did he point it at you?

2 A By the time he came down the steps his aunt and  
3 mother grabbed his arms so he wouldn't point it at me.

4 Q Did he threaten to shoot you?

5 A I don't remember that.

6 Q Did he in any way act aggressively with the gun  
7 towards you?

8 A I mean -- I'm trying to think. To me I was  
9 threatened when he went -- because we had an argument that  
10 day and he was angry and then I feel threatened, yes.

11 Q Was he on his way out when they grabbed him or did he  
12 try to stay there and talk to someone?

13 A He stayed there, that's why they was holding him, he  
14 was staying there with the gun.

15 Q And then he eventually walked outside?

16 A And then eventually they pulled him outside, yes.

17 MR. JONES: Thank you, no further questions.

18 REDIRECT EXAMINATION

19 BY MS. LIVELY:

20 Q You said that you felt threatened. Was he -- was Jock  
21 clearly angry whenever he went up the stairs to get the  
22 gun?

23 A Yes, he was.

24 Q So y'all were arguing.

25 A Yes, we was.

## PRETRIAL MOTIONS

1 MS. LIVELY: Okay. Thank you.

2 THE COURT: Thank you, ma'am, you can step down.

3 MS. LIVELY: Crystal Gore.

4 The witness, CRYSTAL GORE, was first duly sworn and  
5 Testified as follows:

6 DIRECT EXAMINATION

7 BY MS. LIVELY:

8 Q Crystal, on September 8th of 2010 around 4:00, did you  
9 and Mr. Bowler have an argument?

10 A Yes.

11 Q Were you crying?

12 A Yes.

13 Q Did your mom show up?

14 A Yes.

15 Q And when she showed up, were there angry words between  
16 her and Mr. Bowler at that time?

17 A Yes.

18 Q Now, was J. C. specifically, was he mad at your mom?

19 A Both of us, yeah.

20 Q All right. Now, was there a time whenever all of  
21 y'all were downstairs while this arguing was going on?

22 A Yes.

23 Q And who was holding the baby? Was there a baby?

24 A My mom.

25 Q And that's your one month old?

## PRETRIAL MOTIONS

- 1 A Yeah.
- 2 Q With the defendant, right?
- 3 A Yes.
- 4 Q Now, she's holding the baby. At some point in time
- 5 did Jock run upstairs?
- 6 A Yes.
- 7 Q And when ran back down, what did he have in his hand?
- 8 A I was guarding my mama.
- 9 Q You were guarding your mama. So you must have been
- 10 afraid of him; is that right?
- 11 A So-so. I'm not scared of him.
- 12 Q At that moment were you afraid for your child?
- 13 A Yes.
- 14 Q Okay. Now, why did you call 911?
- 15 A Because I heard my mom say, "Oh wait, you gone shoot
- 16 me?" So I called 911.
- 17 Q And when you called 911 what did you tell them?
- 18 A To come to my residence, I think there's a gun in my
- 19 house.
- 20 Q What did you tell me earlier that you told them,
- 21 Crystal? Be very clear.
- 22 A That my mom said J. C. Bowler got a gun.
- 23 Q Okay. And once again you were afraid for your child.
- 24 A Yes.
- 25 Q Were you afraid for your mom?

## PRETRIAL MOTIONS

1 A Yes.

2 Q But you weren't afraid.

3 A No.

4 MS. LIVELY: That's all I have.

5 THE COURT: Mr. Jones?

6 CROSS EXAMINATION

7 BY MR. JONES:

8 Q Ms. Gore, I won't have much for you. Did you actually  
9 see the gun?

10 A No.

11 Q So you never saw the gun?

12 A No, I was standing like this.

13 Q Anybody else in that house that would have seen the  
14 gun other than your mom?

15 A His mom and his aunt were there because they had  
16 their own confrontation going on too.

17 Q And did you give a statement to the police that day,  
18 like a written statement?

19 A No. I went and talked to Burley for like two hours  
20 the next day.

21 MR. JONES: Thank you, no further questions.

22 THE COURT: Thank you, ma'am.

23 MS. LIVELY: That's all from the State, Your Honor,  
24 regarding testimony.

25 THE COURT: All right. Any further argument before I

## PRETRIAL MOTIONS

1 go to the defense? I'll allow you to come back.

2 MS. LIVELY: No, if need-be I'll respond. I believe I  
3 said most of what I needed to say up front.

4 THE COURT: Mr. Jones?

5 MR. JONES: Yes, sir, Your Honor. First to speak to  
6 the motive. If the idea is that he and Ms. Gore had a  
7 child in common and that would be the reason for my client  
8 and Mr. Wray to have a beef, for lack of a better way to  
9 say it, there will be other evidence introduced at trial to  
10 get to that point, we don't need to have this evidence. I  
11 don't believe that this shows a common theme or motive or  
12 mistake or accident or intent. Looking at the case law  
13 that the solicitor provided in her brief, most of these  
14 cases, Your Honor, just briefly, State v. Owens involved  
15 some armed robberies where res gestae did allow some Lyle  
16 evidence to come in but that was truly a common scheme.  
17 They were committing a string of robberies during the  
18 course of that day, a string of armed robberies and they  
19 were talking about who was going to go into what store.  
20 You could not tell that story without telling the story of  
21 some of the prior bad acts that happened. In State v.  
22 Wallace, which I believe the solicitor referenced in her  
23 brief, that is an assault and battery with intent to kill  
24 and failure to stop for blue lights from an escaping felon.  
25 Again, you can't tell the story of things he was charged

## PRETRIAL MOTIONS

1 with without telling the story of the prior bad acts. And  
2 then the last case, State v. Preslar, this is a case where  
3 the defendant was on trial forever intimidating a witness,  
4 the witness -- the State had to bring up a CSC because the  
5 witness that he was intimidating was involved in the CSC.  
6 Those are incidents where the prior bad act was  
7 inextricably linked with the later act that happened, in  
8 this case we don't have that. Essentially what the State  
9 is introducing is someone testifying that my client had a  
10 gun, that and access to a gun, which that should not in and  
11 of itself get that in. We don't really have any kind of  
12 description of the gun, we don't know that it's the same  
13 gun that was used later, all we know is that there is  
14 evidence that my client had a gun. We would argue that the  
15 State has not proved by clear and convincing evidence that  
16 my client had a gun in the first place earlier that day,  
17 but if Your Honor is inclined to believe they had met that  
18 burden we would still argue that it does not fit in under  
19 Lyle because it is not -- it doesn't show the requirements  
20 that you need under Lyle evidence, Your Honor. It's not  
21 inextricably linked, it doesn't show motive or intent, it's  
22 just simply the statement that my client had a gun earlier  
23 that day.

24 THE COURT: Thank you. Reply argument from the State?

25 MS. LIVELY: Yes, Your Honor. It very clearly goes to



## PRETRIAL MOTIONS

1 motive. Even whenever you look at -- if you look at that  
2 particular incident just in and of itself that happened  
3 earlier that day, it was with the mother of the child  
4 they'd just had one month earlier. So what we have is  
5 we've now got this guy who is going into the home, he's  
6 getting ready to kick her out of the house is what's going  
7 on, and she's got this new baby, he's got a weapon, and  
8 they have been fighting constantly about the fact that this  
9 guy, Faris, has always remained in the picture. And you'll  
10 even hear in the defendant's statement where he said,  
11 "Yeah, he even shot at me like a year before." So there is  
12 animosity. And one of the things in the cases that I  
13 mentioned was prior fights between victim and defendant are  
14 admissible in murder trials, well, in order to show that  
15 all of this animosity was going on and at the core of it is  
16 Crystal Gore. You can't separate out all of those things  
17 that happened and the animosity and the fight that happened  
18 that day because one of the other witnesses that is going  
19 to come out, Golden Dunifer in his statement, he said, "We  
20 took him to Rock Hill to cool him off from what happened  
21 earlier that day," and the defense has that statement as  
22 well. So it's all a part of him still being mad and angry  
23 and having access to a weapon from less than five hours  
24 before this victim got shot. It goes to the motive of the  
25 case, it shows the plan by the defendant, he had the gun,

## PRETRIAL MOTIONS

1 he saw an opportunity, he used it. He was still mad from  
2 earlier that day dealing with the mother of his child who  
3 was also the mother of Faris' child, and this had been  
4 going on for years, from not only what other people have  
5 said but from other people saying it himself.

6 THE COURT: All right. Anything else on that, Mr.  
7 Jones?

8 MR. JONES: Just briefly, Your Honor. We don't have  
9 anything in evidence that the fight was actually about  
10 Mr. Wray that they got into a fight that day earlier, Ms.  
11 Gore and my client, Your Honor. Also we believe that any  
12 evidence about this prior bad act is going to be more  
13 prejudicial than probative. We don't feel like it is  
14 probative for the matter at hand and we would ask you to  
15 exclude that testimony.

16 THE COURT: I'll take this matter under advisement and  
17 issue a ruling momentarily. Let's go ahead and deal with  
18 all of the other motions in limine.

19 MS. LIVELY: Your Honor, we've agreed to sequester the  
20 witnesses, which I sent an email to your law clerk so I  
21 believe he's aware of that.

22 THE COURT: Correct, Mr. Jones?

23 MR. JONES: That's correct, Your Honor.

24 THE COURT: Okay.

25 MS. LIVELY: The defense advised me that is he not

## PRETRIAL MOTIONS

1 going to contest the excited utterance of Faris Wray at the  
2 time before he died or the dying declaration; is that  
3 correct?

4 MR. JONES: That's correct.

5 MS. LIVELY: So the only matter we have left, Your  
6 Honor, are the autopsy photos. I've actually whittled it  
7 down to only about --

8 THE COURT: What about the Jackson versus Denno?

9 MS. LIVELY: Oh yeah, we still have the Jackson versus  
10 Denno. I wanted to do this first in the regards to the  
11 prior bad act, because part of what's in the Jackson v.  
12 Denno is the defendant actually being questioned about the  
13 pointing and presenting.

14 THE COURT: So you want me to rule on that first  
15 before we do the Jackson versus Denno?

16 MS. LIVELY: Yes, sir.

17 THE COURT: All right. Well, let's take a break then  
18 while I go back in chambers and look over some stuff I  
19 have.

20 MS. LIVELY: And we have that one little juror issue  
21 also when Your Honor is ready to address that.

22 THE COURT: And we also have the Jackson vs. Denno.  
23 Am I going to have to look at the entire two hour  
24 videotape?

25 MS. LIVELY: It's 22 minutes, his audio is 22 minutes.

## PRETRIAL MOTIONS

1 I didn't want you to think it was like some long drawn out  
2 interview.

3 MR. JONES: Your Honor, just briefly, the primary  
4 thing I'm opposing with the Jackson vs. Denno hearing is  
5 going to be the Lyle evidence, outside of that I'm not  
6 really in opposition to the audio.

7 THE COURT: Let me go think about this and we will go  
8 from there.

9 MR. NEWMAN: Judge, a second juror issue was just  
10 brought to my attention.

11 THE COURT: What is that?

12 MR. NEWMAN: One of the jurors spoke with one of the  
13 officers and told them that he did not want to be on this  
14 jury, did not want this on his conscience and would like to  
15 speak to the Judge.

16 THE COURT: Well, okay. Y'all know which witnesses  
17 can and cannot be in the courtroom whenever the jury comes  
18 back in, whenever we start we will go from there. Y'all  
19 find out the name of that juror.

20 (A break was taken.)

21 THE COURT: Based upon the testimony and evidence  
22 submitted and arguments of counsel, I respectfully deny the  
23 State's motion to admit prior bad act evidence pursuant to  
24 Rule 404B, finding that this would be more prejudicial --  
25 substantially more prejudicial than probative. All right.

## PRETRIAL MOTIONS

1     What else have we got?

2           MR. JONES:  In that case, Your Honor, I had bit of a  
3     misunderstanding about the fact that both of these cases,  
4     the pointing and presenting and the murder were planning on  
5     being called before the jury at the same time, we would  
6     request that those cases be severed.  Because as you just  
7     said, we believe it would be more prejudicial than  
8     probative to have the case with the pointing and presenting  
9     tried at the same time as the murder because it's going to  
10    introduce in the jury's mind the idea that my client had  
11    possibly had a gun earlier that day, it's going to be more  
12    prejudicial than probative.

13          THE COURT:  All right.

14          MS. LIVELY:  Well, Your Honor, once again, you know,  
15    we're going to have to -- I did call the case in front of  
16    jury with both -- with the pointing and presenting and the  
17    murder together in anticipation of going forward on both  
18    charges, so however Your Honor wants to handle the pointing  
19    and presenting.  They haven't seen any evidence or heard  
20    any evidence regarding the pointing and presenting at the  
21    time that I called the case.

22          THE COURT:  I mean, the State can still prove pointing  
23    and presenting without the prior evidence, which I'm just  
24    keeping out from coming to the jury finding it's more  
25    prejudicial than probative.  I'm sure your witnesses are

## PRETRIAL MOTIONS

1 going to testify -- I don't know what the witnesses are  
2 going to say but that doesn't prevent the State -- let me  
3 hear from you, Mr. Jones, on that, but how does this  
4 prevent -- my ruling not allowing in an alleged prior bad  
5 act or under a motive or common scheme or plan which I  
6 find -- how does that keep the State from proceeding on a  
7 pointing and presenting charge?

8 MS. LIVELY: Because the victim is Stephanie Gore on  
9 the pointing and presenting.

10 THE COURT: Okay, got you, there we go. Okay. I  
11 haven't seen the indictment so there we go.

12 MS. LIVELY: I apologize, yes. The pointing and  
13 presenting that I was wanting to go forward on is with the  
14 victim Stephanie Gore.

15 THE COURT: Okay. Well then that makes sense then.

16 MR. JONES: And I would have been more prepared to  
17 address that up front but in my mind because we were having  
18 the Lyle hearing I did not anticipate we were going to be  
19 trying to prosecute the Stephanie Gore victim case also,  
20 now that that has come to my attention I'm making a motion  
21 to sever because --

22 THE COURT: Because we have two different victims.

23 MR. JONES: Yes, sir.

24 THE COURT: Okay.

25 MS. LIVELY: And my argument would still be the same

## PRETRIAL MOTIONS

1 as it was earlier in regards to the Lyle and the ability of  
2 the State to call both cases, because we feel that it would  
3 definitely be -- it's one of those situations where the  
4 State needs to be able to proceed on both charges to  
5 actually prove its case of motive in regards to this  
6 particular matter. You've ruled on that issue, but my  
7 position is that it really ties the State's hands in  
8 regards to going forward for me to be able to show that  
9 this defendant does have that -- does have a weapon, has  
10 presented the weapon and these involved people that are  
11 also intertwined in this particular event involving the  
12 death of Faris Wray that it's all one big -- it's all one  
13 big totality of events and that's my argument. So I don't  
14 know if the Court -- when you were making your ruling, Your  
15 Honor, that you were considering that this is a charged  
16 offense involving a different victim but with the people  
17 that we are dealing with are all intertwined and that was  
18 the position of the State as to why we wanted to go forward  
19 on it. I use it as a Lyle even though it was a charged  
20 offense because it is a prior bad act from earlier that  
21 day, and they never made a motion to sever. It has all  
22 been the same two indictments, there's never been an  
23 indictment for pointing and presenting in regards to Faris  
24 Wray.

25 THE COURT: All right. Motion to sever is denied.

## PRETRIAL MOTIONS

1 You're springing this on the State at the last second right  
2 after I ruled on the Lyle issue and on that basis I'm  
3 denying it, out of fundamental fairness as well. I kept  
4 out the prior bad act evidence but, you know, the motion to  
5 sever -- I agree with the solicitor, Ms. Lively, that  
6 motion was never made earlier. Yeah, to make a good  
7 complete and accurate record, when the Court did take the  
8 matter under advisement I was assuming that the pointing  
9 and presenting victim was the murder victim.

10 MS. LIVELY: No, sir, and I'm sorry. Because I put  
11 that in my motion that trial victim/Lyle victim as being  
12 Ms. Gore and that's how I presented it.

13 THE COURT: I understand, and I read that, but the way  
14 I read that was for the Lyle argument.

15 MS. LIVELY: I'm sorry. And I put both indictments on  
16 the motion, so I gave notice and I put both indictment  
17 numbers on the actual motions, every single one of them.

18 THE COURT: Well, motion to sever is denied.

19 MS. LIVELY: So that means then that I can proceed  
20 with both of my charges, is that what you're saying?

21 THE COURT: Yeah. I'm not keeping the State from  
22 proceeding on both of charges. Now, that's going to --  
23 let's think about this, let's think about it out loud so we  
24 can make a record, how does that affect the testimony  
25 coming in as to how it relates to everything? Mr. Jones?



## PRETRIAL MOTIONS

1 ready for the jury?

2 MS. LIVELY: Yes, sir.

3 THE COURT: All right. We're going to bring the jury  
4 in. Do y'all need to run to the restroom real quick?  
5 Because I plan on rolling.

6 (A recess was taken.)

7 THE COURT: All right. Let's bring the jury in.

8 (The jury returned to the courtroom.)

9 THE COURT: All right. Ladies and gentlemen, thank  
10 you so much for your patience. I'm aware of the time, I  
11 know y'all have been back in there for an hour but I  
12 promise you we haven't been out here twiddling our thumbs,  
13 if you get mad at anybody don't get mad at the lawyers, get  
14 mad at me. It took longer than I thought it would, the  
15 legal issues that we had to resolve, we have resolved those  
16 issues and we're ready now to proceed with the trial. So  
17 again, I apologize for keeping y'all in there for the past  
18 hour, and that's on me, okay? And I promise you I'll try  
19 not to let that happen again as we proceed further. At  
20 this time I'm going to have the Clerk of Court swear you in  
21 as the trial jury. Madam Clerk?

22 (At this time the jury was sworn.)

23 THE COURT: Thank you, Madam Clerk. Ladies and  
24 gentlemen, let me speak to you for a few moments before we  
25 proceed with opening statements because I want to let you

## PRETRIAL MOTIONS

1 gentlemen, that you keep an open mind and not decide any  
2 issue in this case until everything has been presented to  
3 you, you've heard the closing arguments until I have given  
4 you what the law is, okay? It's your solum responsibility  
5 to determine the guilt or innocence of the defendant, and  
6 your verdict must be based solely on the evidence presented  
7 to you in this trial and on the law as I instruct you  
8 during and at the close of the trial. Thank you again for  
9 listening to me, and thank you for your service as jurors.  
10 We will now proceed with opening statements. Madam  
11 Solicitor?

12 MS. LIVELY: Thank you, Your Honor. May it please the  
13 Court?

14 THE COURT: Yes, ma'am.

15 MS. LIVELY: Ladies and gentlemen, you are here on a  
16 case that involves one of the most horrendous crimes we  
17 have in society, or the most horrendous, and that is  
18 basically the murder of a human being. A murder of a human  
19 being. For thousands of years before the United States was  
20 even here to have our laws in place that you're going to be  
21 following with this case, murder has been against the law,  
22 and there's a reason for that. We don't want chaos. We  
23 don't want people gunning people down in the streets for  
24 any reason. Every life on this earth matters, and when  
25 someone with malice and an angry heart takes that life from

## OPENING STATEMENTS

1    this earth they have violated one of our oldest laws. That  
2    is what Jock Bowler, the defendant, did on September 8th of  
3    2010. I'm going to tell you a little bit of the background  
4    because there's going to be a lot of names in this case.  
5    There are going to be people who are involved in how this  
6    whole thing came about, and in order for you to understand  
7    that whenever you see people get up there, I'm going take  
8    my time and make sure you have every piece of information  
9    that you need to make a completely justified verdict of  
10    guilt against this defendant. Faris Wray, the day before  
11    his birthday, came to Chester, was going to visit some  
12    family and was gunned down, one shot in the side, two in  
13    the back and left for dead right here in this small town.  
14    So let's think about that. A motive for murder is anger,  
15    jealousy, and the State will show that this defendant had  
16    all of those things in his heart. Faris Wray was in a  
17    relationship with Crystal Gore, they dated for a period of  
18    time and out of that relationship they had a child by the  
19    name of Cameron. As relationships don't work out they  
20    broke up, and at some point Crystal Gore meets the  
21    defendant, Jock Bowler, they begin a relationship and as a  
22    result of that relationship she has a child another son.  
23    Now, think about Crystal Gore in this situation. Here is a  
24    woman who has Cameron, her oldest son, Jaquice  
25    (phonetically) her younger son with the defendant, and now

## OPENING STATEMENTS

1 the defendant, the father of her youngest son, is on trial  
2 for murder, for killing the father of her older son.  
3 Impossible circumstances that Ms. Gore finds herself in.  
4 You need to know that when you think about how the  
5 testimony unfolds in this case because it's tough, it's  
6 going to be tough and I want you to listen carefully and  
7 understand there's family dynamics, there's friends in this  
8 case, everybody knows everybody. Judge their credibility  
9 based on that information that we're going to provide to  
10 you. Now, on September 8th of 2010 Jock Bowler and Crystal  
11 were still living together, they'd had the baby, there was  
12 an argument. The evidence will show through Crystal Gore's  
13 mother that there was that argument. She shows up at the  
14 house where they were staying, and at some point in time  
15 things get heated enough to where the defendant runs  
16 upstairs and comes back down with a gun in his hand. I  
17 want you to ask yourself, does this sound like a man who is  
18 angry? He leaves the home, and I'm going to let Ms.  
19 Stephanie Gore tell you what happened that day. That was  
20 around 4:00 in the afternoon. The police were called, they  
21 responded, the defendant was not arrested at the time, five  
22 hours later Faris Wray, shot and killed. Guess who was  
23 with Faris Wray at the time he was shot and killed? Jock  
24 Bowler. You're going to hear from witnesses who were with  
25 Jock Bowler that day, you'll hear from one of the witnesses

## OPENING STATEMENTS

1 who was driving the vehicle, Golden Dunifer, who will tell  
2 you, "We took Jock to Rock Hill to cool him off." An angry  
3 man, anger in his heart. They come back from Rock Hill to  
4 Chester, there's several people in the car, they get to  
5 Chester, they pull up to Odom's Store right here in the  
6 city, pulled up, it's on a weekend so people are milling  
7 around, one of the people in the car gets out. He's going  
8 to get in the store and get him something -- either a beer,  
9 cigarettes, whatever it is he's going to get he'll tell  
10 you. He goes in there, the testimony is going to show that  
11 when he's in there Faris is in there at the microwave. So  
12 who is driving that vehicle? Golden Dunifer. Who is the  
13 passenger in the vehicle that pulls up to Odom's Store?  
14 Jock Bowler. Who goes in the car to see Faris Wray?  
15 Cedrick Lamar Jackson. All of them are there at the same  
16 time during this five hour timeframe. Then the next thing  
17 we know, because it's hard to pull some of this stuff  
18 together from witnesses who all know each other, a little  
19 hesitant, and I'll let you take that on your own whenever  
20 you're determining how many of them really want to be here  
21 as to what they say happened next. All we do know for sure  
22 is that Faris walks out of that store, Jock Bowler is  
23 there, he will tell you in his own statement that he jumped  
24 out of the car to take a leak, but within moments someone  
25 has gun downed Faris Wray shooting him in the side, and as

## OPENING STATEMENTS

1 the pathologist will tell you and the back and he dies on  
2 the way to the hospital. That's what we know. Who had  
3 anger, jealousy and hate in their heart? Who puts himself  
4 there? The reason why I had that question on my voir dire  
5 about CSI, I'm guilty, I love those shows, I do, and I'm  
6 not trying to limit the seriousness because -- but the  
7 reason why I bring this up is because of this. I want to  
8 bring you every single piece of evidence we could find in  
9 the middle of a railroad track where this man was gunned  
10 down, yet you will hear evidence he had no weapons on him,  
11 he didn't even have a drop of alcohol or drugs in his  
12 system, shot dead in the middle of a dirty railroad track  
13 street and left there. It wasn't in somebody's house where  
14 we can lift fingerprints, the gun was never recovered, the  
15 shooter ran off. So I'm going to give you every piece of  
16 evidence I have, and I want you to think about it. When I  
17 have to prove this case it has to be beyond a reasonable  
18 doubt, so people think, "Oh, my gosh, there's a possibility  
19 this could have happened." There's a possibility I flew  
20 here in a helicopter to start this case, but is it  
21 reasonable? No. Think about reasonableness. What's  
22 reasonable is who had the motive, who was there, who admits  
23 and puts himself there. Who earlier that very day within  
24 five hours has a gun in his hand and is threatening another  
25 person who has to be driven to Rock Hill to cool down and

## OPENING STATEMENTS

1 shares the mother of a child with the deceased? We'll have  
2 an eye witness in this case who knows both the victim and  
3 Mr. Bowler, known them for a long time, he saw Jock shoot  
4 and kill Faris Wray. Eye witness testimony. The beauty of  
5 eye witness testimony is that this is a case I could have  
6 tried back in the 50's, 60's or 70's because DNA is not  
7 going to be what solves this case, it's going to be good  
8 old fashioned police work, witness testimony and common  
9 sense. So listen to all of the testimony, it's really  
10 important, that is what's going to help you make the  
11 decision that he pointed and presented a weapon earlier  
12 that day at the victim, Ms. Stephanie Gore, Crystal Gore's  
13 mother, and that later that night he still had that anger  
14 and that hate in his heart, and he, Faris Wray, was in the  
15 wrong place at the wrong time. He got out of that car and  
16 he pulled out that gun and he shot him not once, not twice,  
17 three times with malice and hate in his heart and find him  
18 guilty. Thank you.

19 THE COURT: Thank you, Madam solicitor. Mr. Jones?

20 MR. JONES: Ladies and gentlemen, last Sunday I went  
21 to my grandmother's house for Easter. Over the course of  
22 the evening -- I have -- it's a pretty large family, we're  
23 kind of out in the country in Kershaw, a bunch of my  
24 cousins were there, a lot of my cousins are younger range  
25 in the range of eight to 13, I had some older cousins. But

## OPENING STATEMENTS

1    anyway, we're sitting down in my grandma's living room  
2    watching some basketball games on her TV. My grandma is  
3    like 95 years old, her TV is old, she hasn't had a new one  
4    since I was probably about 10 years old, you can't see the  
5    TV that well. I was in the room with the kids and so I  
6    kind of took it upon myself to try to entertain them a  
7    little bit and figure out something for us to do to keep  
8    them quite while everybody else was doing stuff, and so I  
9    decided to play a game called telephone. I don't know if  
10   you've ever heard of it, but it's a game where you start a  
11   sentence at one end of the room and you pass it around the  
12   room and you see what ends up being said at the end of the  
13   game. What I told the first kid I talked to, my little  
14   cousin, I told him those babies diapers cost too much cash.  
15   And you might wonder why am I telling you that? I'll tell  
16   you why I'm telling you that at the end of this case, but  
17   just think about that, because the whole point of that game  
18   is how differently something can be presented at the end  
19   versus how it started, how a story can change a lot by the  
20   time it hits its final destination. We are here for a  
21   tragic event today, ladies and gentlemen, there is a man  
22   that's dead. And Solicitor Lively is right, one of the  
23   most important things that we can do in society is send a  
24   message whenever there's a death, that we won't tolerate  
25   these kind of things, and that's one of your functions is



## OPENING STATEMENTS

1 to listen to the facts and determine if someone needs to be  
2 punished. But another very -- the flip side to that is  
3 it's very important that you give a fair account of the  
4 facts that come in, because you are the only thing that  
5 stands between an innocent man being convicted of something  
6 that he did not do. And I'm here today to tell you that my  
7 client, Mr. J. C. Bowler, is innocent of the charges that  
8 are against him today. My name is Justin Jones. All we're  
9 going to ask is -- I know this is going to be emotional, I  
10 know this is going to be tough and I'm not going to pretend  
11 like these are not serious circumstances as they are. We  
12 just ask that you give us a fair accounting of the facts,  
13 don't rush to judgment and we believe that at the end of  
14 this case you will see that my client is innocent, that the  
15 State has not met their burden of proving him guilty  
16 because the State cannot meet that burden. Thank you.

17 THE COURT: Thank you, Mr. Jones. The State can call  
18 its first witness.

19 MS. LIVELY: Yes, Your Honor. The State calls Gene  
20 Wray to the stand.

21 The witness, GENE WRAY, was first duly sworn and  
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MS. LIVELY:

25 Q Gene, you spell your name, G-e-n-e; is that correct?

## GENE WRAY - DIRECT

- 1 A Yes, ma'am.
- 2 Q And last name is Wray, W-r-a-y?
- 3 A Yes, ma'am.
- 4 Q What is your relationship to Faris Wray?
- 5 A That's my son.
- 6 Q How many children do you have, Mr. Wray?
- 7 A It would have been three girls and three boys.
- 8 Q And where was Faris in the lineup of your children?
- 9 A He was my oldest.
- 10 Q He was your oldest? How old was he when he died,
- 11 Mr. Wray?
- 12 A Twenty-four.
- 13 Q And when was he supposed to turn 25?
- 14 A The next day.
- 15 Q Now, Mr. Wray, did Faris live with you at the time of
- 16 his shooting?
- 17 A No.
- 18 Q Where did he live?
- 19 A With his girlfriend in Rock Hill.
- 20 Q Now, that girlfriend in Rock Hill, what is her name?
- 21 A Kenya Smalls, I think.
- 22 Q Kenya smalls.
- 23 THE COURT: Can y'all hear him okay, ladies and
- 24 gentlemen? Sir, can you slide up?
- 25 Q Are you nervous?

## GENE WRAY - DIRECT

1 A A little.

2 Q If you don't understand a question I'm asking you I  
3 will be glad to repeat it, okay? All right. So, Kenya  
4 Smalls is who he was dating at the time?

5 A Yes.

6 Q Do you remember about how long it had been since he  
7 had dated Crystal Gore?

8 A No, I couldn't.

9 Q Do you know Crystal Gore?

10 A Yes, I do.

11 Q How do you know her?

12 A She dated my son.

13 Q She dated your son.

14 A Yeah.

15 Q And what other reason other than just dating your son?

16 A That's it.

17 Q Well, didn't they have a child together?

18 A Yes, they had a child together.

19 Q And what's the name of the child they had together?

20 A Cameron.

21 Q How long has it been since you've been able to see  
22 Cameron?

23 A Well, it done been a long time.

24 Q Now, Mr. Wray, would you please tell the jury on  
25 September 8th, 2010 what you were doing, if you recall?

## GENE WRAY - DIRECT

1 And I know we have talked about this but try to do your  
2 best to remember.

3 A Well, I was getting off work and my cousin, he called  
4 me and told me that Faris had been shot.

5 Q And where do you work, Mr. Wray?

6 A I drive a truck.

7 Q You drive a truck?

8 A Uh-huh.

9 Q Do you remember about what time it was when you got  
10 this call?

11 A It was late in the evening.

12 Q So just to repeat, you said your cousin called to tell  
13 you that Faris had been shot.

14 A Yeah.

15 Q Did you have any other information about his condition  
16 at that time?

17 A No.

18 Q So did you know what you were -- well, what did you do  
19 after that?

20 A After I had heard he got shot?

21 Q Yeah.

22 A I heard where the shooting was at and then I came to  
23 Chester.

24 Q And I'm sorry I didn't ask you this earlier, where  
25 were you living at the time?

## GENE WRAY - DIRECT

1 A I stayed before you got to Blackstock on Rea Road.

2 Q So about how long did it take you -- once you got that  
3 call, how long did it take you at that time to get to where  
4 you were going in order to either see or find out what  
5 happened to Faris?

6 A Probably about 30 minutes.

7 Q Was anybody else with you?

8 A Well, my cousin, he was with me.

9 Q So tell the jury what happened next once you traveled  
10 that 30 minutes, where did you go?

11 A I came up to the store on York Road but the ambulance  
12 had done took him to the hospital.

13 Q And just to be sure, and I apologize, just to be sure,  
14 what's the name of the store on York Road where you went?

15 A Well, it was Odom's, what we call it is Francis'  
16 Store.

17 Q Odoms Store or Francis' Store.

18 A Yeah.

19 Q And is that the store at York which is close to the  
20 railroad tracks?

21 A Yes, ma'am.

22 Q Now, whenever you got there you said the ambulance had  
23 already gone, were there still people in the area, other  
24 people?

25 A Yeah, still people standing there.

## GENE WRAY - DIRECT

1 Q Were the police still there?

2 A I don't exactly recall, I think maybe one or two.

3 Q Did you speak to anyone while you were there?

4 A No. I just left to try to get to the hospital.

5 Q Who told you that he was going to the hospital, or how  
6 did you know to go to the hospital?

7 A I forgot who said they had already got him, so I just  
8 left and went on over there.

9 Q Did you notify any other family members about what was  
10 going on or what had happened at that point?

11 A No.

12 Q When you got to the hospital, which hospital did you  
13 go to?

14 A Chester County.

15 Q And when you got there, what happened there?

16 A They was taking him out and fixin' to put him on the  
17 helicopter.

18 Q Did you get to talk to him or say anything to him at  
19 that point in time?

20 A No.

21 Q Did you get to see him?

22 A No. I just left, went to Charlotte, tried to get up  
23 there when they got there.

24 Q Let me back you up. When they're taking him off the  
25 ambulance, where were they taking him?

## GENE WRAY - DIRECT

1 A To the helicopter.

2 Q And then from there where were they going to take him  
3 from what you knew?

4 A To Charlotte.

5 Q So at that point is that when you left to go to  
6 Charlotte?

7 A Yes, ma'am.

8 Q How long did it take you to get to Charlotte?

9 A I was speeding pretty good, probably about 40 or 45  
10 minutes.

11 Q Okay, I've got you. And did you know anything about  
12 his condition at that time, Mr. Wray?

13 A No.

14 Q So had you not had a chance to talk to any doctors or  
15 EMS at that point?

16 A No. They just took us to a room and told us to wait  
17 there.

18 Q To wait there. Okay. Now, was that after you got to  
19 Charlotte?

20 A Yes, ma'am.

21 Q Who all was with you in that room once you got to  
22 Charlotte?

23 A It was my daughter and one of her friends.

24 Q And can you give me -- what's your daughter's name?

25 A Lashanda Wray.

## GENE WRAY - DIRECT

1 Q And one of her friends?

2 A Yes, ma'am.

3 Q Now, when you were sitting there tell the jury what  
4 happened next. When did you actually learn about his  
5 condition?

6 A Well, we sat in there for a minute or two and the  
7 lady come in there and told us that he had passed while  
8 being transported up there, and that was it.

9 Q Did you know how? I know you knew earlier that  
10 someone called you and told you he was shot, did you learn  
11 anything else that night?

12 A Well, when I got back there was a few people saying  
13 that they heard Jock had shot --

14 MR. JONES: Objection, Your Honor, this is hearsay.

15 THE COURT: Sustained.

16 Q You can't tell me what other people are telling you,  
17 okay? I understand. You can't tell me what other people  
18 have told you in regards to that. What I'm asking, and let  
19 me be clear, is when did your -- when did the mother find  
20 out about what was going on? Was she a part of being at  
21 the hospital as well, Ms. Evans?

22 A Yeah. She found out when they got there and I told  
23 her.

24 Q So everybody was there at the hospital at that time?

25 A Pretty much.



## GENE WRAY - DIRECT

1 Q All right. Now, whenever you left the hospital did  
2 you ever have a chance to meet with the officers regarding  
3 the case?

4 A It was awhile later I went, you know, and asked them  
5 questions but they couldn't give me no answers, so we just  
6 tried to talk to the solicitor and he never would call us  
7 back.

8 Q That wasn't me, though, was it?

9 A No, that was before.

10 Q Now Mr. Wray, since that time you mentioned that you  
11 haven't seen Cameron in a long time. Have you seen him  
12 since Faris was actually shot?

13 A Maybe once.

14 Q And I may have asked you earlier, but do you know the  
15 defendant, Jock Bowler? Not from what other people have  
16 told you, I'm asking your own personal knowledge if you  
17 know him before this happened.

18 A No.

19 Q So at the time were you aware that Crystal had had  
20 another child?

21 A Yes.

22 Q But did you know with whom?

23 A No, not really.

24 Q Okay, that's fine, I'm just curious. Did you ever  
25 observe personally any arguments or problems between Faris

## GENE WRAY - CROSS

1 and the defendant, Jock Bowler?

2 A No.

3 Q Was there a time whatever Faris and Crystal actually  
4 either stayed at your home or lived with you?

5 A Yeah, they stayed with me for about a month.

6 Q And was it before or after they had Cameron?

7 A It was after.

8 Q It was after? About how long did they live with you?

9 A It was about a month.

10 Q About a month? All right. And did you observe any  
11 problems and issues between Faris and Crystal at that time?

12 A No, I didn't.

13 MS. LIVELY: Thank, you, Mr. Wray. Please answer any  
14 questions that the defense may have for you.

15 THE COURT: All right. Mr. Jones?

16 CROSS EXAMINATION

17 BY MR. JONES:

18 Q Mr. Wray, I really don't have any questions for you.  
19 Just to kind of go over something you just said, you didn't  
20 know your son to have any problems with Mr. Bowler, did  
21 you?

22 A No, I didn't.

23 MR. JONES: Thank you. I don't have any other  
24 questions for you.

25 THE COURT: Thank you, sir, you may stop step down.

## PAULINE CALDWELL - DIRECT

1 The State may call its next witness.

2 MS. LIVELY: Pauline Caldwell.

3 MR. JONES: Can we approach for a moment?

4 THE COURT: Yes, sir.

5 (A bench conference was held.)

6 The witness, PAULINE CALDWELL, was first duly sworn  
7 and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. LIVELY:

10 Q Hey, Ms. Caldwell, how are you doing?

11 A Fine.

12 Q Okay. Were you subpoenaed to be here today?

13 A Yes, ma'am.

14 Q Did you want to be here today?

15 A No, ma'am.

16 Q How do you know Faris Wray?

17 A Faris my cousin.

18 Q He's your cousin. Now, tell the jury how is he your  
19 cousin, like what is the relationship, the family  
20 relationship?

21 A My aunt and my mama is sisters.

22 Q Got it, okay. So your mom and aunt, which is Faris'  
23 mom?

24 A Is sisters.

25 Q Okay. Now, Pauline, did you ever talk to the police

## PAULINE CALDWELL - DIRECT

1 after Faris Wray was shot?

2 A No, ma'am.

3 Q Why not?

4 A I don't know.

5 Q And you recently came and spoke to me and my  
6 investigator, Keith Lewis, in my office, didn't you?

7 A Yes, ma'am.

8 Q Were you happy about that?

9 A No, ma'am.

10 Q Now, do you know how it was that I came to find you  
11 and give you a call?

12 A Yes, ma'am.

13 Q How is that?

14 A Because you wanted me to testify.

15 Q All right. And what did I tell you whenever I told  
16 you to testify, I just wanted you to tell what?

17 A The truth.

18 Q All right. Now, Ms. Caldwell, tell they jury on the  
19 night of September 8th of 2010, where were you?

20 A I was at home.

21 Q And where do you live?

22 A I live on Brendale Drive down the street.

23 Q Brendale Drive down the street.

24 A Uh-huh.

25 Q And when you say down the street, where are you

## PAULINE CALDWELL - DIRECT

1 referring to?

2 A On Catawba Street and I live on Brendale Drive.

3 Q Okay. Catawba Street and Brendale Drive. Is that  
4 close to Odoms Store or Francis' Store?

5 A Yes, ma'am.

6 Q Now, you said that you were home, and tell the jury  
7 why you left your home that night.

8 A I had got a phone call and told me that my cousin had  
9 got shot.

10 Q Okay. And so what did you do whenever you heard that?

11 A I had picked up my shoes and I had run up the street.

12 Q And is it far for you to run?

13 A No, ma'am.

14 Q So you ran up the street. Tell the jury what you saw  
15 whenever you got to the store.

16 A Well, I had got to the store, I seen my cousin laying  
17 in a ditch and he was trying to get up and I said, "You --  
18 Faris, you can't get up because you been shot. He said,  
19 "I know I've been shot." He said Jock had shot him. And  
20 I said, "You can't get up," and he said, "I got shot and  
21 I'm going to get him, I got to go get him."

22 Q Go get who?

23 A Jock.

24 Q Did he specifically say, "I've got to get Jock?"

25 A Because he had shot him.

## PAULINE CALDWELL - DIRECT

1 Q Because he had shot him. So why didn't you come  
2 forward six and a half years ago and give that information  
3 about your cousin?

4 A I didn't know, you know.

5 Q You didn't know who to call or what to do?

6 A I don't know.

7 Q And if I hadn't have found you would you be here right  
8 now?

9 A No, ma'am.

10 Q Pauline, I'm going to show you what has been marked as  
11 State's 1 through 5, okay?

12 A Yes, ma'am.

13 Q I'll show you first one and ask if you recognize the  
14 street as well as that house at the end of the street?

15 A Yes, ma'am.

16 Q All right. Is that a fair representation of the area  
17 and the home that you're familiar with and that you live  
18 in?

19 A Yes, Your Honor.

20 MS. LIVELY: At this time State moves Exhibit Number 1  
21 into evidence.

22 MR. JONES: No objection.

23 THE COURT: In without objection.

24 (The photo was received as State's 1.)

25 Q And in State's Exhibit Number 2, is that substantially

## PAULINE CALDWELL - DIRECT

1 the same view just a little bit further up Catawba Street?

2 A Yes, ma'am.

3 Q And also is that a fair and accurate representation of  
4 that street?

5 A Yes, ma'am.

6 MS. LIVELY: State moves Exhibit 2, Your Honor.

7 MR. JONES: Without objection.

8 THE COURT: Introduced.

9 (The photo was received as State's 2.)

10 Q And then in three, would you tell me what that is a  
11 street sign for?

12 A Catawba.

13 Q And once again, is that the same fair and accurate  
14 representation of that area?

15 A Yes, ma'am.

16 MS. LIVELY: Okay. State's 3, Your Honor.

17 MR. JONES: Without objection, Your Honor.

18 THE COURT: All right, introduced.

19 (The photo was received as State's 3.)

20 Q And then four and five, I'll show you these two  
21 together because they kind of flow together. Four, is that  
22 the view from Catawba Street towards Francis or Odoms  
23 Store?

24 A Yes, ma'am.

25 Q That goes for five as well.

## PAULINE CALDWELL - DIRECT

1 A Yes.

2 MS. LIVELY: We would move to introduce 4 and 5 as  
3 well, Your Honor.

4 MR. JONES: No objection.

5 THE COURT: Introduced into the record of the case.

6 (The photos were received as State's 4 and 5.)

7 Q In State's Exhibit 1 and 2 I will let you hold those  
8 and publish them to the jury. Is that the street that you  
9 ran up in order to get to the store where Faris had been  
10 shot?

11 A Yes, ma'am.

12 Q Okay. And in State's Exhibit 3, is that the top of  
13 the street before you cross over to get to the store?

14 A Yes, ma'am.

15 Q And I'll show you four, I'll show you four and five.  
16 Is that Odoms Store or Frances store where you were told  
17 Faris had been shot?

18 A Yes, ma'am.

19 Q Now, in four I'm going to ask you to look at this and  
20 tell me, can you see in this photo where you ran to and  
21 where Faris was?

22 A Yeah, yeah, in that corner right there.

23 MS. LIVELY: Your Honor, may I please ask the witness  
24 to step down?

25 THE COURT: Yes.



## PAULINE CALDWELL - DIRECT

1 Q This is State's Exhibit 4. You were just now pointing  
2 to me at the store in this corner?

3 A Right there, in that corner right there.

4 Q So what is close to that? Is there another street,  
5 and railroad tracks?

6 A Another railroad track and another street.

7 Q And ball park?

8 A On ball park.

9 Q Okay. What is the name? Point again.

10 A (Witness complies.)

11 Q I am actually going to get you to mark that if that's  
12 okay? Okay. I'll get you -- if you don't mind if you will  
13 just put an X where it is where you were running to and  
14 where you --

15 A (Witness complies.)

16 MS. LIVELY: And, Your Honor, just so the record  
17 reflects she made an X with a circle around it on State's  
18 Exhibit 4 as to where she located the body of the victim.

19 THE COURT: So noted.

20 Q Thank you, ma'am, you can come back up here. Now,  
21 Pauline, do you know Jock Bowler?

22 A Not really.

23 Q Do you know him from sight? Like if you saw him would  
24 you know him?

25 A Yeah.

## PAULINE CALDWELL - DIRECT

- 1 Q Do you see him in the courtroom?
- 2 A Yeah.
- 3 Q All right. And can you point him out?
- 4 A He's sitting right there..
- 5 Q Okay. But did you see him that night?
- 6 A No, ma'am.
- 7 Q All right. So just to be clear with the jury when you
- 8 got there had Faris already been shot?
- 9 A Yeah.
- 10 Q But was he able to talk to you clearly at that time?
- 11 A Yeah.
- 12 Q And at any point in time did he seem like he was
- 13 talking crazy or --
- 14 A No, he wasn't really talking crazy. He would kind of
- 15 get up and stated that Jock had shot him, everybody kind
- 16 of telling him to lay down, he was moving trying to get
- 17 up, he was laying down, you know, he wasn't on his back.
- 18 Q He was on his --
- 19 A Stomach.
- 20 Q Did you see any wounds on Faris?
- 21 A Yes, ma'am.
- 22 Q What did you see? Tell the jury what you saw.
- 23 A I seen a bullet hole in the back, several bullet
- 24 holes.
- 25 Q When you saw these bullet holes in him, did you see

## PAULINE CALDWELL - DIRECT

- 1 anything else around the body, or around Faris?
- 2 A I seen a Choice soda and a cake he had.
- 3 Q Were there a lot of people in that area?
- 4 A There was a lot of people out there.
- 5 Q There was? All right. Was it really hectic and kind
- 6 of chaotic or were people calm?
- 7 A People were calm.
- 8 Q They were calm? All right. Were you there when the
- 9 ambulance got there?
- 10 A Yeah. The fire people came first, then the
- 11 ambulance.
- 12 Q Okay. The fire people came first then the ambulance
- 13 came?
- 14 A Uh-huh.
- 15 Q Did the ambulance then take Faris from the area?
- 16 A Before they come I had called my aunt and told her
- 17 that her son had got shot.
- 18 Q So you were the one that called --
- 19 A My aunt.
- 20 Q -- Faris' mother?
- 21 A Uh-huh.
- 22 Q Now, where did you go after Faris --
- 23 A I went home to get in my car and meet them down to
- 24 the hospital.
- 25 Q So which hospital did you go to first?

## PAULINE CALDWELL - DIRECT

1 A Chester County.

2 Q Where did you go after that?

3 A I went back home.

4 Q And what did you learn later that night regarding his  
5 condition?

6 A A lot because I can't sleep at night.

7 Q When did you learn that he had actually died?

8 A When they called.

9 Q Pauline, once again, just tell the jury why you waited  
10 so long to come and tell what he told you.

11 A I'm just a shy person, I am shy.

12 Q Are you telling us what happened that night though and  
13 what Faris told you that night?

14 A Yes, ma'am.

15 Q Did anyone force you to say that?

16 A No, ma'am.

17 Q Okay.

18 A I heard it in my own ears and saw what I saw.

19 MS. LIVELY: Thank you, Pauline. Answer any questions  
20 that the defense may have.

21 THE COURT: Mr. Jones?

22 MS. LIVELY: Your Honor, may I publish these pictures  
23 to the jury?

24 THE COURT: Permission to publish granted.

25 CROSS EXAMINATION

## PAULINE CALDWELL - DIRECT

1 BY MR. JONES:

2 Q So Ms. Caldwell, back in 2010 when you went to go  
3 check on your cousin, was it dark outside?

4 A It was kind of -- it wasn't really dark.

5 Q Was it kind of difficult to see?

6 A Uh-huh.

7 Q This was after you had got off work?

8 A Uh-huh.

9 Q You said there were a lot of people around.

10 A Uh-huh.

11 Q When you got there you said they were pretty calm?

12 A Uh-huh.

13 Q Now, you said that Faris told you Jock shot him; is  
14 that right?

15 A Yes, sir.

16 Q How close were you when he told you that?

17 A I was real close to him, he was laying on the ground.

18 Q Were there other people close to him?

19 A Yeah, there were a lot of them.

20 Q To the best of your knowledge did any other people  
21 talk with law enforcement?

22 MS. LIVELY: Objection, Your Honor, speculation. It's  
23 hearsay as to any testimonial statements made to police  
24 regarding what was said that night.

25 MR. JONES: I wasn't asking what was --

## PAULINE CALDWELL - CROSS

1 THE COURT: Overruled. Repeat the question to her.

2 MR. JONES: I'll ask her a different one, Your Honor.

3 THE COURT: Okay.

4 Q Were you there long enough for law enforcement to get  
5 there?

6 A Yeah.

7 Q So you saw law enforcement interacting with people at  
8 the scene?

9 A Uh-huh.

10 Q Did you give a statement to law enforcement that  
11 night?

12 A No, they didn't ask me for no statement.

13 Q Did you see anyone else giving any statement?

14 A No, sir.

15 Q So law enforcement to the best of your knowledge  
16 didn't do anything to record what people said Faris said;  
17 is that correct?

18 A Uh-huh.

19 Q And you said you saw seven bullet holes?

20 A Uh-huh.

21 Q In Faris' back? Seven? You said there were some  
22 items like a Choice soda?

23 A Choice soda and some cake.

24 Q Again, there were a lot of people around this,  
25 correct?

## PAULINE CALDWELL - CROSS

1 A Uh-huh.

2 Q And it took you seven years to give this statement?

3 Well, during the time between when this happened and today,  
4 have you heard anyone else talking about this incident?

5 MS. LIVELY: Objection, Your Honor, calls for hearsay.

6 MR. JONES: I'm just asking if she's heard someone  
7 talking about it, not what they heard specifically.

8 THE COURT: Overruled.

9 Q Have you heard anyone else talking about this incident  
10 since it happened?

11 A I don't know.

12 Q You don't know?

13 A I don't know.

14 Q Have you had conversations with anyone about this  
15 incident since this happened?

16 A No.

17 Q So the first time you've talked about this since 2010  
18 was when you talked to the solicitor's office?

19 A Yeah.

20 Q That's the first time you talked to anyone about this?

21 A Yeah.

22 Q In seven years? You didn't tell your uncle what you  
23 heard that night? You didn't tell any of the rest of your  
24 family what Faris told that you night?

25 A No.

## PAULINE CALDWELL - CROSS

1 Q So the first time you said that is when you said it --

2 A Yeah.

3 Q Yes, ma'am.

4 MR. JONES: One second, please.

5 (Break in proceedings.)

6 Q So you lived pretty close to the store?

7 A Yeah.

8 Q Did you actually hear the gunshots?

9 A No.

10 MR. JONES: I don't think I have any other questions  
11 for you. Thank you, Ms. Caldwell.

12 THE COURT: Redirect?

13 REDIRECT EXAMINATION

14 BY MS. LIVELY:

15 Q After six and a half to seven years, Pauline, would  
16 you have just kept this to yourself if I had not found you  
17 and asked you to come?

18 A Yes, ma'am.

19 Q But is what you're telling this jury the truth and  
20 what you heard?

21 A Yes, ma'am.

22 MS. LIVELY: Thank you.

23 THE COURT: All right. Thank you, ma'am, you can step  
24 down. Call your next witness.

25 MS. LIVELY: Cedrick Lamar Jackson. May she be.



## PAULINE CALDWELL - REDIRECT

1     excused from her subpoena?

2             THE COURT:  She's excused from her subpoena.

3             The witness, CEDRICK LAMAR JACKSON, was first duly  
4             sworn and testified as follows:

5                     DIRECT EXAMINATION

6     BY MS. LIVELY:

7     Q     Cedrick, I'll need you to scoot up a little bit and  
8     pull that microphone towards you so we can hear.

9             THE COURT:  Get into the mic like this.

10    A     Is this good?

11             THE COURT:  Yeah, that's good and loud.  Okay.  Thank  
12    you.

13    Q     And any question that I ask you you can't just nod  
14    your head, you'll answer up yes or no or I don't know,  
15    okay?

16    A     Okay.

17    Q     And just make sure because the jury has to hear  
18    everything you're saying, all right?  Is that a yes?

19    A     Yes, ma'am.

20    Q     Okay.  Thank you.  Now Cedric -- you go by Cedric,  
21    right, or Jamar?

22    A     Cedric.

23    Q     Are you subpoenaed to be here today?

24    A     Yes, ma'am.

25    Q     Did you want to be here today?

## CEDRIC JACKSON - DIRECT

1 A I don't even know what kind of question that is right  
2 there.

3 Q I think you answered it, thank you. Now, please tell  
4 the jury how you know Jock Bowler.

5 A This is Chester, a little bit of everybody know  
6 everybody.

7 Q And how old are you?

8 A Thirty-three.

9 Q So you've lived in Chester all of your life?

10 A Yes, ma'am.

11 Q So how long have you known Jock then?

12 A Numerous of years.

13 Q And you know him by Jock, correct?

14 A Yes, ma'am.

15 Q Now, Cedric, have you and Jock hung out over the  
16 years?

17 A Several times.

18 Q And do you consider yourselves friends?

19 A Yes, ma'am, we know each other.

20 Q And do you know the victim in this case, Faris Wray?

21 A Yes, ma'am, we grewed up together.

22 Q So were y'all friends as well?

23 A Yes, ma'am, we knew each other.

24 Q So did you know when Faris was dating Crystal Gore?

25 A Again, this is Chester, you kind of know everything.

## CEDRIC JACKSON - DIRECT

1 Q Sure, I understand that, and I'm not trying to trip  
2 you up or anything, I just need to now yes or no because  
3 the jury doesn't know all of that. You're from Chester so  
4 I get that, but we're trying to make sure that the jury  
5 understands, okay?

6 A Like I said, this is Chester, you know people and  
7 know a little bit of everything about them.

8 Q So is your answer then yes, you did know when Faris  
9 Wray was dating Crystal Gore?

10 A Yes, ma'am.

11 Q And you know that they had a baby together.

12 A Yes, ma'am.

13 Q Now, after Faris Wray and Crystal Gore had a baby  
14 together, at some point in time did Jock start dating  
15 Crystal?

16 A That's a question that you would have to ask Crystal  
17 or Jock, I don't know.

18 Q I thought you said it's Chester and everybody knows  
19 everything.

20 A They're dating and all of that, I don't know what you  
21 want to me say.

22 Q I want you to say the truth.

23 A Well, you would have to ask them that.

24 Q Well, I'm going to ask you again, all right? Are you  
25 close to Jock Bowler?

## CEDRIC JACKSON - DIRECT

1 A I know him.

2 Q Can you point him out in the courtroom?

3 A He is here (indicating.)

4 Q Thank you. Now, I'm going to ask you another  
5 question. You knew Crystal Gore was dating Faris Wray and  
6 they had a baby together, correct?

7 A Yes, ma'am.

8 Q Okay. Thank you. Then after Faris Wray and Crystal  
9 broke up, Crystal and Jock Bowler had a baby together,  
10 right?

11 THE WITNESS: Can she just ask me about the trial? I  
12 don't know nothing about nobody's person life.

13 THE COURT: Answer the question if you know it, sir.

14 THE WITNESS: I don't know nothing about nobody's  
15 personal life.

16 THE COURT: Sir?

17 THE WITNESS: About nobody's personal life, who  
18 they're dating.

19 THE COURT: Just listen to the question and answer it  
20 if you know the answer.

21 A I'm not sure when they started dating and how they  
22 started dating.

23 Q I didn't ask you that question. Did they date?

24 A They've got a child together too, so I guess so, I  
25 would imagine so.

## CEDRIC JACKSON - DIRECT

1 Q Okay. Thank you. All right. Now, on September 8,  
2 2010, were you with Jock Bowler at any point in time that  
3 day?

4 A Yes, ma'am.

5 Q All right. Tell the jury when you were with Jock  
6 Bowler.

7 A We was taking a ride to Rock Hill.

8 Q Tell everybody on this jury who was in the car with  
9 you.

10 A It was me, Jock and couple of acquaintances.

11 Q Tell them who, they don't know, we need to know.

12 A I've got a cousin, Golden, it was his car and they've  
13 got two other cousins.

14 Q Golden Dunifer, is that who you're talking about?

15 A Yes, ma'am.

16 Q Who was driving?

17 A I'm not sure. It has got to be him, too many people  
18 don't drive his car, but I'm not too sure about the  
19 seating arrangement.

20 Q If you said in your statement from 2010 that he was  
21 driving a car, would you say that that was more accurate  
22 than what you're telling us now?

23 A Yeah. I'm pretty sure he was driving the car, like I  
24 said, it was his car.

25 Q And so when you went to Rock Hill you're saying that

## CEDRIC JACKSON - DIRECT

- 1 it was -- was Jock with you then when you --
- 2 A Yeah, we was all together.
- 3 Q So when you got there to Rock Hill, what did y'all do?
- 4 A We hung out for a bit. I can't remember quite
- 5 everything we did, but I know we was hanging out for an
- 6 hour and a half or two hours, something like that. We
- 7 hung out for a little while.
- 8 Q And while you were there and hanging out, did y'all
- 9 drink any alcohol?
- 10 A We consumed a few beers.
- 11 Q Consumed alcoholic beverages?
- 12 A Yes, ma'am.
- 13 Q And did y'all smoke any pot?
- 14 A I can't remember everything we did.
- 15 Q And at any point in time while y'all were there, did
- 16 Jock tell you about the fight he had with Crystal earlier
- 17 that day?
- 18 A No, ma'am, I wasn't aware of that.
- 19 Q So you don't know anything about Golden trying to take
- 20 him to Rock Hill to cool off?
- 21 A I wasn't aware of that, they stopped the car and I
- 22 just got in the car. I was just chillin' and riding.
- 23 Q All right. Now, did you know that Jock's girlfriend,
- 24 Crystal, had just had a baby?
- 25 A I can't say that I was aware, I can't say that I

## CEDRIC JACKSON - DIRECT

1 wasn't aware. Like I said, it was so long ago I don't  
2 really remember all of that.

3 Q All right. Now, about how long did y'all stay in Rock  
4 Hill, Mr. Jackson?

5 A We hung around for maybe an hour and a half or two  
6 hours, not quite sure.

7 Q All right. And after y'all hung out for that period  
8 of time, what did you do next?

9 A We came back to Chester.

10 Q So whenever you came back to Chester, were the same  
11 people who drove to Rock Hill and hung out the same group  
12 who then went back to Chester?

13 A Yeah. I guess, yeah. Like I said, it's been a  
14 minute, too, so I really don't remember everything like --  
15 yeah, it was the same group.

16 Q Now, when you got back to Chester, where did y'all go?

17 A They dropped me off on York Road, Odoms Grocery.

18 Q But they really just drop you off, they pulled in,  
19 correct?

20 A They was pulling in to drop me off at Odoms Grocery.

21 Q Got you. So they were pulling into drop you off at  
22 Odoms Grocery. And whenever you got there, tell the jury  
23 what the scene was like. Were there a bunch of people  
24 there? Was it quite?

25 A I can't remember.

## CEDRIC JACKSON - DIRECT

1 Q You really can't remember?

2 A I can't remember if it was daylight, nighttime, can't  
3 remember who all was out there, I can't remember.

4 Q So you don't even know if it was daylight or night?

5 A I can't remember.

6 Q So was it very well lit then?

7 A I can't remember.

8 Q How many times have you been to Odoms Store?

9 A Thousands.

10 Q You remember that? Thousands?

11 A I can't remember every time I went, but I know I've  
12 been there thousands.

13 Q All right. Now, Mr. Jackson, I'm going to show you a  
14 few pictures, I actually showed you some of these earlier  
15 if you remember, they're already in evidence it's my  
16 understanding.

17 MS. LIVELY: State's 6 through 14 without objection,  
18 correct?

19 MR. JONES: That's correct, Your Honor.

20 THE COURT: All right. 6 through 14 are in without  
21 objection, that means they're in evidence, ladies and  
22 gentlemen. Go ahead.

23 (The photos were received as State's 6-14.)

24 MS. LIVELY: Thank you, Your Honor.

25 Q So State's Exhibit Number 6, I'm going to show this to



## CEDRIC JACKSON - DIRECT

1   you. Do you remember seeing that?

2   A    Yes, ma'am.

3   Q    And what is that?

4   A    Inside of Odoms.

5   Q    That's the inside of Odoms. So when you walk into  
6   this door you were inside of the store, correct?

7   A    Correct.

8   Q    Just to put it in perspective. Now, when you walked  
9   into the store -- so Golden pulls up, you jump out to go  
10   into the store, when you go in there who do you see in  
11   there?

12   A    Faris Wray was standing where the microwave -- right  
13   here where the microwave is at; he was standing, he had  
14   something in the microwave, he was waiting on his food to  
15   heat.

16   Q    Okay. So in this picture you're pointing to a silver  
17   microwave; is that correct?

18   A    Or the white one on top, I can't say which one he was  
19   using, both of them are microwaves though.

20   Q    Got you, you're right. So he was using one of the  
21   microwaves right there at the edge of the door.

22   A    Right there.

23   Q    Okay. All right. And then in this picture, which is  
24   State's Exhibit Number 7, it's just a little farther back,  
25   does that look familiar?

## CEDRIC JACKSON - DIRECT

1 A It's the same, just different angle.

2 Q Different angle. So in this particular scene are you  
3 able to see the cash register where you would pay?

4 A Yeah.

5 Q So when you were in there, Mr. Jackson, what did you  
6 do?

7 A As I was paying for my stuff, like I say, he was  
8 warming up his food and we was having a conversation, he  
9 was telling me he had just bought a car.

10 Q So you're just having a calm conversation?

11 A Yeah, just a regular, general conversation.

12 Q Now, after you talked to him is that when you leave?

13 A Yes, ma'am.

14 Q Then I'm going to show you State's 8 and 9. Let me  
15 just start with these two, eight and nine. Whenever you  
16 walk out of Odoms store, is eight and nine where you would  
17 have walked out in the direction you were headed?

18 A Yes, ma'am.

19 Q Well, I want to be sure when we tell the jury, what is  
20 eight and nine showing?

21 A It's showing York Road and the top of the parkway at  
22 the point where they intersect, showing that, the part  
23 where they intersect, that's where I was walking at.

24 Q And is that the way to go to the railroad tracks as  
25 well?

## CEDRIC JACKSON - DIRECT

1 A Yes, ma'am.

2 Q All right. So you walk out of the store and you're  
3 walking at this point in time towards the railroad tracks,  
4 right?

5 A Correct.

6 Q If I say anything wrong correct me, okay? All right.  
7 Now, as you get to the edge of the store, Odoms Store, as  
8 you're moving away from it, is this like your first view of  
9 the tracks behind the store in State's Exhibit 10?

10 A Actually that would be your first view right there  
11 on -- see, just looking around that's to the side, right  
12 there to the side of the store.

13 Q And so this is the side of the store in State's  
14 Exhibit 10 and then 11?

15 A Right.

16 Q So if you're standing at the railroad tracks and  
17 you're looking down York Road back towards the store, is  
18 that view you would see --

19 A That's the view right there.

20 Q The view in State's 11.

21 A Yeah.

22 Q Okay. Now, if anyone were to have jumped out of the  
23 car at any point in time to take a leak on the side of the  
24 store, where would that be?

25 A On this side probably.

## CEDRIC JACKSON - DIRECT

1 Q On that side probably? Okay. So this would be your  
2 view of the side of the store in State's 10 and 11? Okay.

3 Thank you, Mr. Jackson. Now, you're standing there --

4 A I'm walking.

5 Q Okay. You're walking out of the store. And when you  
6 walked out of the store what did you tell Golden and the  
7 rest of the group?

8 A When I seen them still there I thought they was  
9 waiting on me so I told him, "I'm straight, cuz, I'm going  
10 to stay here around Roundtree." He was like, "All right,"  
11 and he pulled off.

12 Q So you come and whenever -- did you come out first and  
13 then Faris, or was he still in the store when you walked  
14 out?

15 A He was still in the store.

16 Q He was still in the store when you walked out. All  
17 right. So you're walking past and you say "Yo, I'm  
18 straight," meaning I don't need a ride.

19 A Right.

20 Q And you're going to walk -- where are you going at  
21 that point?

22 A To my Uncle Kerry's house.

23 Q Your Uncle Kerry's house. Okay. 12 -- I'm going to  
24 show you that real quick. That's just another picture of  
25 the side of the store, correct? All right. Now, as you're

## CEDRIC JACKSON - DIRECT

1 walking -- that's just another view from the side of the  
2 store -- as you're walking to go to -- is it Uncle Kerry's  
3 house, is that what you said?

4 A Yes, ma'am.

5 Q All right, I want to be sure. Now, as you're walking  
6 that way, what's that area called past the railroad tracks?

7 A That's Parkway.

8 Q And is that where you're going?

9 A That's where I'm going.

10 Q Now, I'm going to show you State's Exhibit 13 that's  
11 in evidence, this picture, and ask you about where you were  
12 whenever you heard shots.

13 A I had made it across the track, I was crossing  
14 Parkway, I was like in this area right here.

15 Q Okay. If I could get you to step down and show the  
16 jury.

17 MS. LIVELY: Your Honor, if you don't mind if I can  
18 have the --

19 THE COURT: Yes, sir, step on down there.

20 MS. LIVELY: Thank you.

21 Q I'm showing you State's Exhibit 13, okay --

22 MS. LIVELY: I'll make him move so y'all can all see  
23 it, okay?

24 A I was -- this house that is boarded up right here,  
25 this is my uncle's house, that's where I was headed to. I

## CEDRIC JACKSON - DIRECT

1 had just made it toward the yard just across the Parkway,  
2 just made it to the yard when the shots went off.

3 Q And I'm going to get you to turn this way so you can  
4 show them as well. You just pointed to this house that's  
5 just boarded up.

6 A Left to go across the track right there.

7 Q Right there at that house that's boarded up. And  
8 that's State's Number 13.

9 MS. LIVELY: Did everybody see that? Okay.

10 Q You can take a seat, thank you.

11 A (Witness complies.)

12 Q So when you heard the shots -- right before you heard  
13 the shots, did you see someone that you knew?

14 A Yeah. I've got another uncle, he was coming up  
15 Parkway and we didn't have a whole conversation, we talked  
16 like, "Hey, what's up? How you been?" A real quick  
17 conversation. He was coming up Parkway as I was going  
18 across the street.

19 Q Okay. So you said, "Hey, what's up Unc," or whatever,  
20 and then after that, is that when you heard the shots?

21 A And then the shots rang out.

22 Q Did all of this happen pretty fast from the time when  
23 you left the store up until the time you heard the shots?

24 A I mean, like it depends on what you call fast. It  
25 wasn't like no -- it was a time. Like I said, I had a

## CEDRIC JACKSON - DIRECT

1 conversation in the store with Faris, came out the store,  
2 I was talking on my phone anyway when I came out the store  
3 so I wasn't in no hurry getting across the street myself,  
4 so there was probably a little time in between there.

5 Q And you said earlier that you had been drinking,  
6 right?

7 A Yeah, we had been chillin'.

8 Q Okay. All right. Now, I'm going to show you State's  
9 14 -- wait a minute, let me ask you this, you were getting  
10 to it. You saw your unc, you said what's up, after that,  
11 is that when you heard the shots?

12 A Yeah. As he was pulling off from the stop sign I was  
13 getting across the street -- like I said, it has been a  
14 minute, but all of it was going on at around the same  
15 time, you know what I'm saying?

16 Q Sure.

17 A And then I just heard the gunshots.

18 Q Now, when you heard the gunshots what did you do?

19 A Hit the ground.

20 Q You hit the ground? And then after you hit the ground  
21 what did you do next?

22 A When I hit the ground I seen my other uncle running  
23 towards me, as he is coming to me I see Faris Wray on the  
24 ground.

25 Q So you see Faris Wray on the ground at that time.

CEDRIC JACKSON - DIRECT

1 A Yeah, he was on the ground. He was on the ground but  
2 he was reaching up calling out for help.

3 Q Now, I'm going to show you State's Exhibit Number 14,  
4 I showed you this one earlier. And if you'll look at that,  
5 this is another angle from the area of the railroad tracks.  
6 Is this a fair representation of where you saw Faris' body?

7 A Yeah, somewhere in this area right here.

8 Q So right here close to this orange marker?

9 A Just in that area.

10 Q In that area?

11 A In that area.

12 Q And if I'm representing this correct, is it okay if I  
13 show the jury?

14 A Yeah.

15 Q This area right here between these polls?

16 A From the poll area to the track area just up in  
17 there, I ain't quite sure.

18 Q That's okay. I know it has been awhile so I'm going  
19 to just walk through the jury. So through this area you're  
20 saying that you heard -- you got back up and you heard  
21 Faris hollering?

22 A Yes, ma'am.

23 Q And he's laying on the ground. Is his stomach on the  
24 ground or his back on the ground?

25 A I want to say he was face down on the ground.



## CEDRIC JACKSON - DIRECT

1 Q And when you -- did you approach him?

2 A Yes, ma'am. But by the time I approached him it was  
3 a young lady already there, she had pulled up and she had  
4 already done been pulled over.

5 Q Did you talk to Faris?

6 A No, ma'am.

7 Q Did you see the person who shot Faris that night?

8 A I could see someone running off, but like I say it  
9 all happened behind me, as I looked back Faris is on the  
10 ground and there's a guy running off. Like I said, his  
11 cousin had pulled up, she got there rather quick, maybe  
12 they was at the store talking to somebody, she was there  
13 quick. When I turned around she was right there.

14 Q She was right there. So you said it happened behind  
15 you, and not only that you testified you jumped on the  
16 ground when you heard the shots.

17 A Yeah, I hit the ground.

18 Q And you probably just sat there a second to make sure  
19 no other shots were heard.

20 A Yeah, until the shots stopped ringing.

21 Q Until the shots stopped, okay. So when you get up you  
22 said the shooter was running off, is that what you said?

23 A I said I seen someone running off.

24 Q You saw someone running off. Okay. What was that  
25 person wearing?

## CEDRIC JACKSON - DIRECT

1 A They had on a t-shirt and some jeans.

2 Q What color was the t-shirt.

3 A A white shirt.

4 Q A white shirt and some jeans?

5 A And some jeans.

6 Q But were you able to see his face or any other type  
7 of --

8 A Nothing distinguishing.

9 Q So did you know this person just from that vision of a  
10 person running off?

11 A I mean, like if it would have been someone I know  
12 like that from where I was I could probably tell from  
13 their body figure.

14 Q But you were on the ground.

15 A I was on the ground.

16 Q And you were waiting for the shots to stop.

17 A Yeah, they stopped. The shots came like pow, pow,  
18 pow, they stopped. Like I said, by like that time I seen  
19 my uncle coming towards me and I get up.

20 Q Did you talk to your uncle as he was coming towards  
21 you?

22 A "Yeah, I'm good."

23 Q So you're sitting there, "Uncle, I'm good, I'm good,"  
24 and then did you ever actually --

25 A As all of this is going on I'm turning around and

## CEDRIC JACKSON - DIRECT

1 Faris is on the ground.

2 Q He's on the ground. So this person has already took  
3 off and run down the street.

4 A Yeah.

5 Q But it was pretty far at that point?

6 A He was not there.

7 Q Now, are you any relation to Jock Bowler?

8 A No blood relation.

9 Q No blood relation, just you've known each other for  
10 years in Chester.

11 A Yes, ma'am.

12 Q And you provided a statement to the police regarding  
13 what you're telling us here now, correct?

14 A Yes, ma'am.

15 Q If you had any other information you would have  
16 provided it?

17 A I mean, yes, ma'am, I did, I told everything I know.

18 Q But basically you were not close enough to Faris to  
19 identify the shooter, right?

20 A I didn't see the shooting.

21 Q That's right. You didn't see the shooting so you  
22 could not identify who shot Faris, right?

23 A I did not see the shooting.

24 Q That's right. But what you did do is you did see  
25 Faris as you were leaving the store that night and he was

## CEDRIC JACKSON - DIRECT

1 still in the store at the microwave.

2 A Yeah, he was in the store.

3 Q And Jock Bowler and Golden and the rest of the group  
4 was also still there in a vehicle as you were walking out.

5 A They was leaving. When I told them I'm good they was  
6 pulling off, I could see the car going down the street.

7 Q They were pulling off?

8 A Yeah.

9 Q And Jock is your friend, right?

10 A I know Jock.

11 MS. LIVELY: Answer any questions that the defense  
12 might have for you. Your Honor, may I publish these to the  
13 jury?

14 THE COURT: Permission to publish granted.

15 CROSS EXAMINATION

16 BY MR. JONES:

17 Q Mr. Jackson, I'm going to go back a little bit. So  
18 you said you went inside the store and went to the  
19 microwave and you saw Faris there?

20 A Yes, sir. He was already at the microwave.

21 Q He was at the microwave. And y'all started talking a  
22 little bit when you got inside.

23 A We had a conversation?

24 Q And he told you about buying a new car?

25 A Yeah, he said had he just bought a car or something.

## CEDRICK JACKSON - CROSS

1 Q So it's fair to say y'all knew each other pretty well  
2 too?

3 A Like I said, me and Faris grew up together.

4 Q So you and Faris grew up together. And if you had  
5 anymore information to give about the person that shot him  
6 you would give it, wouldn't you?

7 A Yeah. Like I said, I told the police everything.

8 Q You told the police everything you knew?

9 A Yeah.

10 Q And when you came outside you saw Mr. Bowler in the  
11 car?

12 A When I came outside, like I said, I seen the car  
13 still there, no one was outside the car running. That's  
14 when I figured they was waiting on me and that's when I  
15 hollered back to my cousin, Golden, I was like, "I'm  
16 straight, Cuz." That's when he pulled off.

17 Q So you saw the car going down the street.

18 A Yeah, I seen the car pulling down the street.

19 Q You saw the car leave before the shooting happened?

20 A Yeah, I seen the car going down the street.

21 Q Okay. And so now -- and just to be clear, you had  
22 been with Mr. Bowler most of the time that day.

23 A Up in Rock Hill.

24 Q At no point did you see Mr. Bowler with a gun, did  
25 you?

## CEDRICK JACKSON - CROSS

1 A No. We was riding around in Rock Hill.

2 Q And where did y'all go in Rock Hill again?

3 A We stopped and hollered at some females. I can't  
4 remember exactly whose house we was at, but I know we went  
5 to holler at a few females.

6 Q Was it a little bit dark outside by the time all of  
7 this happened?

8 A That's what I can't really remember was it dark or  
9 not. I know the liquor store was closed, because that was  
10 my intention, to get dropped off at the liquor store.

11 Q And so the liquor store closed at what time, 7:00?

12 A Around 7:00.

13 Q So it was about the time when it was starting to get  
14 dark, it was at least after 7:00 by the time y'all got  
15 back.

16 A I don't remember.

17 Q If you don't remember you don't remember, that's fine,  
18 you're being honest today. And so y'all got back to  
19 Chester, you went inside the store and you saw Mr. Wray  
20 definitely inside the store.

21 A Yeah, I talked to him in the store.

22 Q And now when you went back to Mr. Wray after he had  
23 been shot, you said Faris was kind of saying some stuff?

24 A He was more moaning, more like in pain. And like I  
25 said, it was a woman right there, she was hollering, too,

## CEDRICK JACKSON - CROSS

1 they were both -- I'm the one who was telling her to call  
2 911.

3 Q But there were a few people around?

4 A Not at that time, it was only her, Mr. Wray and me,  
5 but as it's going on this is the neighborhood so people  
6 are gathering.

7 Q And did you hear Faris say anything about who shot  
8 him?

9 A He never said that.

10 Q You never heard him say anything like that?

11 A I never her him yell that.

12 Q Just to touch on one other thing you said, you said  
13 you saw the person running off?

14 A I could see someone running off.

15 Q But if you had recognized the person you would have  
16 been able to tell who it was.

17 A If it would have been someone that I see on a  
18 daily --

19 Q And just to touch back on what you said, Faris was  
20 also your friend, correct?

21 A Yeah. We grewed up together, it was just someone I  
22 know too.

23 Q And if you would have recognized that person running  
24 off you would have told law enforcement who that was so you  
25 could see that person brought to justice?

## CEDRICK JACKSON - CROSS

1 A Yeah, my statement was volunteered. They didn't come  
2 get me, I volunteered my statement.

3 MR. JONES: Thank you, Mr. Jackson. No further  
4 questions.

5 THE COURT: Any redirect?

6 MS. LIVELY: None from the State, Your Honor.

7 THE COURT: Thank you, sir, you can step down.

8 MS. LIVELY: He can be excused from his subpoena.

9 THE COURT: You are free to leave, sir. Let me see  
10 the lawyers.

11 (A bench conference was held.)

12 THE COURT: Ladies and gentlemen, the State has  
13 indicated they have one short witness and we will break for  
14 the day. Call your next witness.

15 MS. LIVELY: April Dunifer.

16 The witness, APRIL DUNIFER, was first duly sworn and  
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MS. LIVELY:

20 Q April, state your name for the record?

21 A April Dunifer.

22 Q Where do you live, April?

23 A I live in Chester, South Carolina.

24 Q In September of 2010, September 8th specifically, were  
25 you living in Rock Hill?



## CEDRICK JACKSON - CROSS

- 1 A Yes, ma'am.
- 2 Q Tell the jury where you were living in Rock Hill?
- 3 A The Glens in South Carolina, Rock Hill.
- 4 Q All right. And do you know the defendant, Jock
- 5 Bowler?
- 6 A Yes, ma'am.
- 7 Q How long have you known him?
- 8 A Forever, 34 years.
- 9 Q Are y'all related somehow?
- 10 A First cousins.
- 11 Q All right. Now, on the night of -- or the late
- 12 afternoon of September 8th of 2010, did you have some
- 13 visitors come to The Glens?
- 14 A Yes, ma'am.
- 15 Q And who was it that came to visit you?
- 16 A J. C., my brother, his sister and my other cousin.
- 17 Q Can you give us names, please?
- 18 A Coco and Eric.
- 19 Q Coco is Jock's sister, correct?
- 20 A Yes, ma'am.
- 21 Q And Eric, is it Eric Jones?
- 22 A Yes, ma'am.
- 23 Q What about Cedric Jamar Jackson?
- 24 A Yes, ma'am.
- 25 Q And then your brother's name is what?

## APRIL DUNIFER - DIRECT

- 1 A Golden.
- 2 Q Golden Dunifer?
- 3 A Yes, ma'am.
- 4 Q And what were they driving that night?
- 5 A I think it was a gold Honda, yes, ma'am.
- 6 Q And who was driving?
- 7 A My brother.
- 8 Q Do you know whose car it was?
- 9 A My brother's car.
- 10 Q It's your brother's car?
- 11 A Yes, ma'am.
- 12 Q Now, do you remember about what time they got to
- 13 your -- the apartments where you were living?
- 14 A I think it was around about -- well, it's been
- 15 awhile, so it was night -- going on night.
- 16 Q It was going on night? If you don't remember that's
- 17 fine, I understand. Now, has anyone talked to you about
- 18 this case until I contacted you?
- 19 A No, ma'am.
- 20 Q And so whenever I contacted you and we discussed this
- 21 case, didn't I -- the main reason for you to come here
- 22 today was to let the jury know that all of these people
- 23 came to visit you, is that fair to say?
- 24 A That's the main reason, yes, ma'am.
- 25 Q Now, whenever they were there did everybody have a few

## APRIL DUNIFER - DIRECT

1 drinks?

2 A Yeah. A few, yeah.

3 Q All right. It's okay, they're not in trouble just  
4 asking. All right. And then did you know anything about  
5 an argument or a dispute that had happened earlier that day  
6 between Jock and Crystal Gore's mom, Stephanie?

7 A No, ma'am, I was in Rock Hill.

8 Q Right, I understand that. But did any of them talk  
9 about it or did --

10 A No, ma'am.

11 Q Now, your brother, he's pretty close with Jock; is  
12 that right?

13 A Yes, ma'am.

14 Q Do you know of any reason why they would have brought  
15 Jock to your place to kind of cool down or --

16 A No, ma'am. They come visit me like every often but  
17 not like all of the time, but they come up to visit and  
18 hang out.

19 Q And have you ever seen -- on that day did you see Jock  
20 with a weapon?

21 A No, ma'am.

22 Q Did you see any of those boys with a weapon?

23 A No, ma'am.

24 Q If you had would you tell us?

25 A Yes, ma'am.

## APRIL DUNIFER - DIRECT

1 MS. LIVELY: Thank you. I have no further questions.

2 MR. JONES: I don't think I have anything for this  
3 witness, Your Honor.

4 THE COURT: Thank you, ma'am, you may step down and  
5 you're free to leave. Ladies and gentlemen of the jury,  
6 5:00 p.m. on the nose, we can go ahead and rest for the  
7 afternoon for the day. I want you to have a nice evening,  
8 get some rest, I want you back in your jury room tomorrow  
9 morning at 9:15, okay? Remember the instruction I gave  
10 you, you are not to read any news reports or listen to  
11 anything that may be talking about this case, news coverage  
12 about this case. You are also not to speak with anybody  
13 about your role as jurors in this case. I'm not naive, I  
14 understand it may come up that you're on the trial jury of  
15 this case and you can simply say, "Yeah, I'm on the jury,  
16 it's a criminal case but the Judge says I can't talk about  
17 it." It's as simple as that. And if the person keeps  
18 trying to ask you questions you let me know and I'll take  
19 care of that, okay? Y'all have a wonderful evening, see  
20 you back in the morning at 9:15.

21 (The jury left the courtroom.)

22 MS. LIVELY: Your Honor, may we address the issue of  
23 bond on this defendant?

24 THE COURT: I'm sorry.

25 MS. LIVELY: May we address the issue of bond on this

APRIL DUNIFER - DIRECT

1 defendant?

2 THE COURT: Sure.

3 MS. LIVELY: Your Honor, the State is concerned on  
4 several levels because of the seriousness of the crime and  
5 because of the fact that this defendant was recently  
6 arrested for physically assaulting the witness, Crystal  
7 Gore, in this case to the point where she had to actually  
8 be hospitalized with a cut to her eye which had to be  
9 stitched and she still has scarring from that, it's a  
10 pending case that we have. Now that she has actually come  
11 to court where she was afraid to do so, whether she admits  
12 it or not, and also with the mother coming and testifying,  
13 I'm concerned for their safety and I believe that at this  
14 time -- and I normally don't ask for this, but with the  
15 seriousness of these charges and because his propensity for  
16 violence which can definitely be considered on a taking him  
17 into custody issue, I think that that's something that we  
18 need to be prepared to address. I think he needs to be  
19 taken into custody during the pendency of this case. All  
20 right, thank you. Mr. Jones?

21 MR. JONES: Your Honor, we would oppose that motion.  
22 My client has always made himself available when he needed  
23 to be, he's here now. Nothing about this -- there's  
24 nothing new that's come out today. He's known about the  
25 statements from both Ms. Gores beforehand and he has not

1 done anything to harm them concerning this case. He's not  
2 a danger to anyone, he's been out on bond for several  
3 years, he's willfully come every time he's supposed to be  
4 here. We would just ask that he be allowed to remain on  
5 bond during the pendency of this case.

6 THE COURT: Where is the gentleman where he came in  
7 front of me and then the bond expired --

8 MS. LIVELY: That's him.

9 THE COURT: -- and I redid another bond? Did he make  
10 been on that?

11 MR. JONES: Yes, sir, he did.

12 THE COURT: And then you're saying there's another  
13 case in which he is out on bond right now.

14 MS. LIVELY: Yes, sir.

15 THE COURT: How old is that case?

16 MS. LIVELY: It's this year, it was January 3rd of  
17 2017, and it was for DV second because they had a child in  
18 common. And the actual incident report specifically states  
19 that the fight started with Crystal saying, "Don't start  
20 with me, you've already done killed my baby's daddy, Faris  
21 Wray, and now have I to live for my two boys. I have one  
22 child, one from you and one from Faris," and the fight got  
23 worse and then he hit her on the left side of the face  
24 causing her eye to split open. She had to -- he took her  
25 phone, broke it and said, "You're not calling the police on

1 me," and then she had to go to the hospital for those  
2 injuries. There's a lot of animosity going on with these  
3 people and I'm just concerned.

4 MR. JONES: I've not yet seen that incident report,  
5 Your Honor, I'm sure my client would deny the allegations.

6 THE COURT: All right. Bond revoked until further  
7 ordered.

8 MS. LIVELY: Thank you, Your Honor. Your Honor, Ms.  
9 Gore is standing before you. It's the position of the  
10 State, Your Honor, that we would ask that you actually lift  
11 the bench warrant against her at this time with her  
12 understanding that she has to be here at 9:00 in the  
13 morning tomorrow and be ready to testify. Otherwise if she  
14 does not fully understand that then we will leave the bench  
15 warrant in place and have her taken into custody at this  
16 time.

17 THE COURT: Any objection from the defense, or  
18 anything you want to add to that?

19 MR. JONES: No position, Your Honor.

20 THE COURT: All right. Ma'am, you understand that?

21 THE WITNESS: Yeah. Yes, sir.

22 THE COURT: I mean, being on time is very important  
23 and if you're not on time and the State moves for bench  
24 warrant it's an order, okay? I am going to rescind it but  
25 I want you to understand if they ask me to do it again I

1     ain't going to rescind it and then you'll be in custody  
2     during the trial of this case and I don't want to have to  
3     do that. I'm already holding Mr. Bowler in custody during  
4     the trial of this case, I don't want to hold you in custody  
5     too, because where are the children going to go? Yes,  
6     ma'am, what did you want to say?

7             THE WITNESS: I was saying I was sitting back there  
8     but I didn't know to come back there, when they gave me the  
9     paper they just say come to court.

10            THE COURT: All right. We're going to all communicate  
11     better.

12            (Court recessed for the evening and resumed on  
13     Tuesday, August 25, 2017 at 9:45 a.m.)

14            THE COURT: Any issues before we bring the jury in?

15            MS. LIVELY: None from the State, Your Honor.

16            MR. JONES: None from the defense, Your Honor.

17            THE COURT: Let's bring in the jury.

18            (The jury returned to the courtroom.)

19            THE COURT: Good morning, ladies and gentlemen, I hope  
20     you had a nice evening. We will go ahead and jump right  
21     into it this morning with the State calling its next  
22     witness.

23            MS. LIVELY: Thank you, Your Honor. The State calls  
24     Arthur Jennings to the stand.

25            The witness, ARTHUR JENNINGS, was first duly sworn and



1 testified as follows:

2 DIRECT EXAMINATION

3 BY MS. LIVELY:

4 Q Tell the jury your full name.

5 A My name is Arthur James Jennings, Jr.

6 Q Arthur James Jennings, Jr.

7 A Yes, ma'am.

8 Q Thank you. Are you from Chester?

9 A Yes, ma'am.

10 Q How long have you lived here in Chester?

11 A Most all of my life.

12 Q All right. Now, Mr. Jennings, do you know Jock  
13 Bowler?

14 A Yes, ma'am.

15 Q And do you see him here in the courtroom?

16 A Yes, ma'am.

17 Q Could you point to him for the jury?

18 A (Witness complies.)

19 Q Okay. Have you known him for a long time?

20 A Yes, ma'am.

21 Q Okay.

22 MS. LIVELY: And Your Honor, just so the record  
23 reflects that he did point to the defendant.

24 THE COURT: So noted.

25 MS. LIVELY: Thank you.

## ARTHUR JENNINGS - DIRECT

1 Q Now, Mr. Jennings, did you know Faris Wray?

2 A I knew him but I didn't know him as much as I know  
3 Jock.

4 Q All right. But did you know him if you saw him?

5 A Faris?

6 Q Yeah, Faris.

7 A Yes, that's been a long time..

8 Q I understand that. Are you familiar with Odoms Store,  
9 or -- it's also got another name, that store off York Road,  
10 the liquor store?

11 A Yes, ma'am.

12 Q - Okay. All right. Now, Mr. Jennings, tell this  
13 jury -- I know it's been a long time, back in 2010 when  
14 there was a shooting over there and you were staying in the  
15 area, tell the jury what you saw.

16 A Okay. I was standing in my yard -- well, first I  
17 came out my door, I was on the telephone and I was  
18 standing in the yard, and I seen Jock run behind Faris, I  
19 heard two shots. And I told my old lady, "Did you heard  
20 it? Did you see it?" She was in the hall, and that was  
21 it.

22 Q Okay. Now, I want you to be real clear, okay? And I  
23 know -- this is hard for you, isn't it?

24 A Yes, ma'am.

25 Q I know. Did you want to be here?

## ARTHUR JENNINGS - DIRECT

1 A No, ma'am.

2 Q Okay. All right. Now, I want you to tell this jury  
3 what you told the police almost six and a half years ago,  
4 who did you see shoot Faris Wray?

5 A Jock Bowler.

6 Q And once again will you point this person out to the  
7 jury here in the courtroom today?

8 A (Witness complies.)

9 MS. LIVELY: And once again, Your Honor, let the  
10 record reflect he's pointing to the defendant.

11 THE COURT: Noted.

12 Q And I'm just going to -- thank you, Mr. Jennings. I  
13 want to just show you a couple of pictures I showed to you  
14 earlier just to help the jury, okay?

15 A Yes, ma'am.

16 Q And then we'll be finished, all right? Okay. Now,  
17 I'm going to show you State's 20 and 21, which means  
18 nothing to you, it's just how we number the pictures. I'm  
19 going to show you these. And do you remember me showing  
20 these to you earlier?

21 A Yes, ma'am.

22 Q Okay. I'm going to let you look at 20 first.

23 A Yes, ma'am.

24 Q All right. And does that look like the area where you  
25 were staying at the time?

## ARTHUR JENNINGS - DIRECT

1 A Yes, ma'am.

2 MS. LIVELY: Your Honor, State moves State's Exhibit  
3 20 into evidence at this time.

4 MR. FRICK: No objection, Your Honor.

5 THE COURT: Without objection admitted into evidence.

6 (The photo was received as State's 20.)

7 Q And then in Number 21, is that just another angle of  
8 the same place we were just looking at?

9 A Yes, ma'am.

10 Q Okay. And once again, is that an accurate picture of  
11 the area where you were staying at the time?

12 A Yes, ma'am.

13 MS. LIVELY: Okay. All right. Your Honor, State  
14 moves State's Exhibit 21 into evidence.

15 MR. FRICK: No objection.

16 THE COURT: Without objection admitted into evidence.

17 (The photo was received as State's 21.)

18 Q Mr. Jennings, I would ask you to do me one more favor.  
19 Would you mind stepping down so I can have you show the  
20 jury where you were standing.

21 THE COURT: Yes, sir, just step on down there towards  
22 the jury box.

23 Q And just come stand right next to me, okay? I want to  
24 make sure they can see you, just stand here beside me, all  
25 right? I'm going to show you referring to State's 20,

## ARTHUR JENNINGS - DIRECT

1    okay? Now, in State's Number 20 I want you to look at this  
2    and point out where you were staying back in 2010.

3    A     Where that blue car at right there, I stayed in that  
4    house right there.

5    Q     So there's a blue car in this picture and you were  
6    staying in that area and that house back then, okay?

7    A     Yes, ma'am.

8    Q     All right. Now, when you were on the phone and you  
9    had stepped out, about where were you when you stepped out  
10   of your home?

11   A     I was looking over that car.

12   Q     So right around in here.

13   A     Yes, ma'am.

14   Q     Okay. Now, I'm going to flip it to -- and did you see  
15   that, it was right around the car around where you were  
16   staying?

17   A     Yes, ma'am.

18   Q     So right about there. Now, I'm going so show you  
19   State's 21, all right? And is this the same area? Is that  
20   the same blue car from that picture?

21   A     Yes, ma'am.

22   Q     Okay. Back up just a little bit so they can see you,  
23   you're doing fine. So you step out of your home and you're  
24   on the phone, is that what you testified to?

25   A     Yes, ma'am.

## ARTHUR JENNINGS - DIRECT

1 Q Now, when you are standing here and you saw Jock and  
2 Faris, did you have any trees blocking your view?

3 A No, ma'am. I was over the -- like right here, the  
4 tree was right there.

5 Q Now, I've shown you this picture before. Can you show  
6 me in this picture where Faris was shot?

7 A I was outside, I seen Jock and I seen Faris, and when  
8 he shot him that was it.

9 Q Was it across the tracks?

10 A Yeah, it was across the tracks.

11 Q Okay. That's what I mean. So when you saw this  
12 happen were you sure that it was Jock Bowler?

13 A Yes, ma'am.

14 Q All right. Okay. You can take a seat, thank you.  
15 Just a couple of more questions, Mr. Jennings, and I'll be  
16 finished, thank you. Now, we've had a little bit of  
17 testimony that everybody likes to hang out at Odoms Store  
18 and people, especially if it's the weekend, they might be  
19 out there drinking and hanging out, is that a fair  
20 statement?

21 A Yes, ma'am.

22 Q And there's nothing wrong with that so no one is in  
23 trouble, but I need to ask you, had you been drinking  
24 anything that night?

25 A No, ma'am.

## ARTHUR JENNINGS - CROSS

1 Q All right. So were you sober or -- so in other words  
2 you were sober?

3 A Yes, ma'am.

4 Q Thank you.

5 MS. LIVELY: Answer any questions that the defense  
6 might have for you.

7 THE COURT: Mr. Frick?

8 MR. FRICK: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MR. FRICK:

11 Q Mr. Jennings, do you remember when you talked to the  
12 police?

13 A Yes, sir.

14 Q Okay. How long after the event in 2010 did you talk  
15 to the police?

16 A I can't remember, sir.

17 Q It was a few days, wasn't it? You didn't talk to them  
18 that night, did you?

19 A I don't remember, sir.

20 Q Okay. Did you talk to them the next day?

21 A No, sir.

22 Q Okay. The fact is about five days later, wasn't it?

23 A I don't remember, sir.

24 Q Okay. And do you remember who you talked to?

25 A I think it was Burley McDaniel.

## ARTHUR JENNINGS - CROSS

1 Q Was there anybody else in the room?

2 A I don't remember, sir.

3 Q Okay. And where did they interview you, your place or  
4 some other place?

5 A Here.

6 Q When you say here you mean the courthouse?

7 A In the back of the room, one of the rooms.

8 Q What room? Where?

9 A I don't remember that.

10 Q So you can't remember when you talked to the police,  
11 you can't remember where you talked to them, you can't  
12 remember who was there but you know it was Jock Bowler that  
13 shot?

14 A Yes, sir.

15 Q Uh-huh. You also said you wasn't drinking that night?

16 A No, sir.

17 Q Did you tell the police something different in 2010?

18 A No, sir.

19 Q Okay. You said you was talking on your phone.

20 A Yes, sir.

21 Q Okay. Now, show me -- I'm going to show you both of  
22 these pictures, State's 21 and 20. Which one is the house  
23 you were staying at?

24 A That right there.

25 Q The blue one? Okay. Okay. So where was you



## ARTHUR JENNINGS - CROSS

1 standing?

2 A Right in there.

3 Q Right by that car?

4 A I was up more from that car.

5 Q Just so we are all clear I'm looking at State's Number

6 20, okay? All right. Where is the store?

7 A The store across the tracks.

8 Q Where are the tracks?

9 A Okay. You come up this way right here.

10 THE COURT: Well, you've got to speak in the

11 microphone.

12 A Okay. You come up on my house and then you go across

13 the railroad tracks and then it's on your left-hand side.

14 Q Okay. I think we see railroad tracks in 21, right?

15 A Yes, sir.

16 Q Now, where is the store in relation to this?

17 A You cross the railroad tracks, you go on just a

18 little bit and it's on your left-hand side.

19 Q Have you got any idea about how far out that is?

20 A No, sir.

21 Q Okay. How long had you been standing outside talking

22 on the phone?

23 A Probably about 15 or 20 minutes.

24 Q Did you see Faris come up to the store?

25 A No, sir.

## ARTHUR JENNINGS - CROSS

1 Q You didn't see him?

2 A No, sir.

3 Q Did you see him go in or out of the store?

4 A No, sir.

5 Q Do you remember telling law enforcement anything about  
6 that in 2010?

7 A I told them I didn't see him -- they didn't ask me  
8 that.

9 Q Okay. You don't remember saying "He hadn't made it to  
10 the store?"

11 A No, sir.

12 Q You didn't say that?

13 A No, sir.

14 Q Where did Jock come from?

15 A He come up the street right -- Faris was coming up  
16 the street, he got behind Faris.

17 Q Was he walking or on a bicycle, how did he get there?

18 A He was walking.

19 Q He was walking?

20 A Yes, sir.

21 Q Did you see any cars?

22 A No, sir.

23 Q What was Faris wearing?

24 A I don't remember that.

25 Q What was Jock wearing?

## ARTHUR JENNINGS - CROSS

- 1 A I don't remember that neither, sir.
- 2 Q So your testimony today is the only thing you remember
- 3 is that Jock is the one that shot?
- 4 A It's been a long time ago.
- 5 Q You can't remember any other details?
- 6 A Let me think. I think it was a white T-shirt.
- 7 Q You said he was wearing a white T-shirt?
- 8 A That's what I think.
- 9 Q You think or you know?
- 10 A I know I remember now.
- 11 Q You don't remember.
- 12 A I said I do remember now.
- 13 Q Now you remember. Okay. Did he have a hat on?
- 14 A I don't think so.
- 15 Q Okay. When you went out in the yard, do you remember
- 16 who you were talking to on the phone?
- 17 A No, sir.
- 18 Q And you were just hanging out in the yard. What were
- 19 you doing?
- 20 A I just walked out my door, I was talking on the
- 21 phone.
- 22 Q Was anybody else there?
- 23 A The lady I used to go with named Kelly.
- 24 Q Okay. Anybody come up to your yard?
- 25 A No, sir.

## ARTHUR JENNINGS - CROSS

1 Q You didn't talk to anybody else?

2 A No, sir.

3 Q When the shooting happened were you still talking on  
4 the phone?

5 A Yes. And I went in the house and I told my old lady  
6 about it.

7 Q Okay. Were you there when the police showed up that  
8 night?

9 A I was at home.

10 Q You were at home? Okay. You didn't go talk to them  
11 that night.

12 A No, sir.

13 Q Okay. Did you go talk to them or did they come talk  
14 to you?

15 A I came and talked to them.

16 Q Okay. What made you decide to go five days later?

17 A Because it was -- I just couldn't see nobody do  
18 nothing like that right there.

19 Q It took you five days to figure that out? I mean, you  
20 were there that night, you could have told them that night.

21 A Well, I didn't really want to because I know him.

22 Q You said you knew both of them.

23 A Well, that's true too.

24 Q Okay. And it was just eating at your conscience for  
25 five days. Is that what happened? I mean, out of the

## ARTHUR JENNINGS - CROSS

1 goodness of your heart you said five days later you needed  
2 to go talk about this?

3 A I just didn't want to see nobody do something like  
4 that right there because I know that hurt their family. I  
5 wouldn't want nobody to do me like that and hurt my  
6 family.

7 Q Have you been in trouble before?

8 A Yes, I have.

9 Q Were you convicted of food stamp fraud in 2009?

10 A Yes, I was.

11 MR. FRICK: Thanks you, sir, that's all of the  
12 questions I have.

13 THE COURT: Any redirect?

14 MS. LIVELY: No, sir.

15 THE COURT: Thank you, sir, you can step down, you're  
16 free to leave. Call your next witness.

17 MS. LIVELY: Thank you. Dwight Land.

18 The witness, DWIGHT LAND, was first duly sworn and  
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MS. LIVELY:

22 Q State your name for the jury, Mr. Land.

23 A Dwight O'Neil Land.

24 Q Thank you. I just wanted to make sure that you were  
25 loud enough and everybody could hear you. Mr. Land, are

## ARTHUR JENNINGS - CROSS

1 you a resident of Chester County?

2 A I am.

3 Q You are? How long have you lived here?

4 A I've been here my whole life.

5 Q All right. Do you know the defendant, Jock Bowler?

6 A I have seen him.

7 Q All right. And did you know Faris Wray, the man who  
8 was shot about six and a half years ago?

9 A That was my first time ever seeing him.

10 Q That was the first time you ever saw him? Okay. Mr.  
11 Land, tell the jury where you were on the night of  
12 September 8th of 2010?

13 A I was on Ball Park Avenue.

14 Q What were you doing?

15 A I was just cruising through.

16 Q So you were cruising through Ball Park Avenue areas.

17 How far away where you were in Ball Park are you from the  
18 Odoms Store at that point?

19 A Not very far at all.

20 Q All right. Okay. So you're driving through. Tell  
21 the jury what happened -- what's the first thing that you  
22 remember happening that night as you were driving through  
23 that area? Did you see anybody you do recognize?

24 A Yeah. As I was headed toward York Road I noticed my  
25 nephew, he spoke to me, I spoke to him and I proceeded to

## DWIGHT LAND - DIRECT

1 the stop sign, I was going to make a left turn. I looked  
2 up York Road and I looked down, and as I looked down York  
3 Road I heard a shot and I seen the fire of a gun out of  
4 the corner of my eye, I looked and there was another shot.

5 Q How many people did you see standing there at that  
6 time when you looked over towards the shots?

7 A There was only two people standing there.

8 Q All right. So when you heard the shots, did it  
9 automatically grab your attention?

10 A Of course.

11 Q Now, Mr. Land, whenever you turned to look you said  
12 you saw two people standing there and you saw the fire of  
13 the gun; is that right?

14 A Yeah. After the fire of the gun one man went down  
15 and one man was standing.

16 Q Now, the man that was standing, you gave a description  
17 to the police back in 2010 about what that man was wearing.

18 A Yeah. I didn't notice that until after I proceeded  
19 to go down York Street, I was going to turn in to assist  
20 the guy that was down and I had to wait until the young  
21 man tried to cross in order for me to pull in. And he had  
22 on blue jeans and he had on a white shirt, he had a white  
23 bandanna on with a hat on.

24 Q And at the time -- so he had on the white you said  
25 bandanna but you called it something different back then.

## DWIGHT LAND - DIRECT

1 A I thought it was like a scarf or something.

2 Q You actually -- was it a rag?

3 A Yeah, bandanna and the rag is the same thing.

4 Q All right. I'm just trying -- I can play your prior

5 statement for you, I know we let you listen to it, but do

6 you recall that? What color was it?

7 A It was white.

8 Q All right. So did you see the person's face?

9 A Yes.

10 Q All right. But were you able to actually give a

11 description to the police as to who that person was?

12 A I didn't exactly know who he was like that, you know.

13 Q And when he was running, or was he running or walking

14 away?

15 A He was trotting, he was getting away from the area.

16 Q So from what you saw of him, did you see him mainly

17 trotting away from you as you were going up to Faris?

18 A Yeah. I mean, like I said, I had to actually wait

19 before, because Frances' Store would be on my left so I

20 had to wait -- I had to wait on him to pass by before I

21 could turn in to Frances' Store to assist the young man

22 that was down.

23 Q Which was Faris but you didn't know that at the time.

24 A No, I didn't know him.

25 Q All right. Was there anybody else around Faris after



## DWIGHT LAND - DIRECT

1 he'd been shot?

2 A The people started gathering, you know, they noticed  
3 just like I did so they was trying to assist him.

4 Q And did you call the police?

5 A Yes.

6 Q And whenever you called the police, did you give a  
7 description of the shooter?

8 A When I called the police I told them, yeah, I sure  
9 did.

10 Q All right. And in that description did you tell what  
11 race the shooter was?

12 A Yes.

13 Q And what did you tell them?

14 A It was a black male.

15 Q All right. But you never provided a name as to who  
16 the shooter was, did you?

17 A I didn't know his name.

18 Q You didn't know him. All right. Now, whenever you  
19 actually attended to Faris, could you tell how many times  
20 he had been shot?

21 A I couldn't tell, all I know is that he was moving  
22 around a lot. I tried to tell them to be still, stop  
23 moving so much, you know, I imagine he was in a lot of  
24 pain. And the last thing that I really remember,  
25 because I wasn't up on the body like that, is the fact

## DWIGHT LAND - DIRECT

1 that he looked in my eyes and I looked in his and I folded  
2 my hand and told him to pray, and that was that.

3 Q Do you remember what time of night that was?

4 A It was getting dark.

5 Q Okay.

6 A It was dark enough for me to see the fire jump out of  
7 that gun.

8 Q Right. Okay. I'm going to show you a couple of  
9 pictures. One of them I'm going to show you is State's  
10 Number 4, which is actually already in evidence, and in  
11 this picture I'm just going to ask you if you can recognize  
12 the area. All right. Do you recognize what that's a  
13 picture of?

14 A Yeah.

15 Q And in this picture you've seen the store that we're  
16 talking about, Odoms Store.

17 A Yes.

18 Q Now, can you tell from this picture where it was  
19 that -- which angle you were coming from? This is York  
20 Road, can you tell us where you were coming from?

21 A I was coming down York Street right here, I was  
22 coming down because the stop sign is right here so I was  
23 coming down, and I never made it to the store because I  
24 was turning in right here where that white truck is.

25 MS. LIVELY: Do you mind, Your Honor, if he steps

## DWIGHT LAND - DIRECT

1 down?

2 THE COURT: Yes, sir. Step down to the jury box with  
3 the solicitor.

4 Q This is the microphone so I'll have you stand right  
5 here. So show the jury -- and just step back just a little  
6 bit because you've got to make sure they can see, too.  
7 Tell the jury where you were coming from.

8 A I was coming from up here. The stop sign is right  
9 here, the trailer is right here and I'm coming back  
10 towards Chester, and it was right here where this white  
11 truck is, that's where I turned in to go and assist them.

12 Q Okay. All right. And had you crossed over the  
13 railroad tracks yet?

14 A The railroad tracks is running this way, so yeah,  
15 I've already crossed that down towards Chester.

16 Q Got it. So you're headed back towards Chester and the  
17 store was on your left.

18 A The store was on my left, yes.

19 Q And then -- you hear the shots and you look over --

20 A Yeah, I hear the shots while I'm at the stop sign. I  
21 look up because I wanted to go out -- I look up and I look  
22 back, and I turn this way to the fired shot, so out of the  
23 corner of my eye I see the shot and I look over and boom,  
24 there's another one. So one man is going down, the other  
25 man is standing.

## DWIGHT LAND - DIRECT

1 Q And the one standing has on the white shirt, jeans, a  
2 white bandanna?

3 A Yeah. I never saw that when I got here, he trotted  
4 in front of me going down to the store.

5 Q Going back towards the store?

6 A Yeah. So I'm looking at him just like I'm looking at  
7 you.

8 Q So you're still in your car.

9 A Yeah, still in my car.

10 Q So you're turning to go back and see --

11 A Yeah, to assist the man that's down.

12 Q Okay. Great, you can have a seat. Now, Mr. Land, you  
13 gave a statement to the police back in 2010 whenever this  
14 took place; isn't that right?

15 A Yes.

16 Q And do you remember about how many days it was  
17 afterwards that you gave a statement?

18 A No, I'm sorry, I don't remember how long it took.

19 Q And how about on that night whenever all this  
20 happened, you said that you actually called 911. Did you  
21 give a statement to the police that night?

22 A I talked to one of the detectives, I don't know -- I  
23 think it was Mr. McDaniels I think, I'm not sure.

24 Q Maybe Burley McDaniel?

25 A Yeah.

## DWIGHT LAND - DIRECT

1 Q And at that time whenever you spoke to him, did you  
2 tell him you would come in and give an actual audio  
3 statement?

4 A Yeah. He asked me would I do that and I told him  
5 yeah, I would do it.

6 Q At that time why didn't you give the officer a  
7 statement?

8 A Everything was happening so fast right now, you know,  
9 so I got in my car and left, I did all of that. I just  
10 don't -- really I don't want to be here now. I don't want  
11 to relive this thing seven years later, I don't want to do  
12 that because I still see that young man's eyes, see? I  
13 still see that. It's never going away and today I would  
14 just like to wash my hands of this, you know.

15 Q And I told you with a subpoena that you had to be  
16 here, right?

17 A Yes, and I told you I didn't want to be here.

18 Q I understand. State's Exhibit 21, I'm going to show  
19 this to you, it's already in evidence. There's a stop sign  
20 in this picture, there's also a marker here close to the  
21 track.

22 A Yeah.

23 Q Is that a fair representation of where Faris was shot?

24 A Yeah. I thought it was a little more towards the  
25 track, but yeah, that's the area.

## DWIGHT LAND - CROSS

1 MS. LIVELY: All right. Thank you. No further  
2 questions.

3 THE COURT: All right. Mr. Jones?

4 CROSS EXAMINATION

5 BY MR. JONES:

6 Q So Mr. Land, you don't remember exactly how long it  
7 was between the incident when you talked to law  
8 enforcement; is that correct?

9 A That's correct.

10 Q If I told you it was about six days, does that sound  
11 about right?

12 A I'm sorry, sir, I know it was fairly quick.

13 Q You just don't remember right now?

14 A I don't.

15 Q Yes, sir. Now, you told law enforcement and you  
16 testified today that whatever the shooter ran by you you  
17 could kind of see his face?

18 A Yes.

19 Q And he had a hat on?

20 A He had a hat on, he had a bandanna but his face was  
21 visible.

22 Q How low was the hat?

23 A It wasn't like trying to hide his face or anything if  
24 that's what you're asking.

25 Q Yes, sir. I'm just asking to get an idea of what the

## DWIGHT LAND - CROSS

1 visual picture was that you saw.

2 A It was clear.

3 Q You told law enforcement you saw this man running by  
4 you, correct?

5 A I had to stop and let him or else -- I didn't want to  
6 hit this man.

7 Q So after you told them that, did they bother to show  
8 you a photo lineup?

9 A They didn't show me anything like that, no, sir.

10 Q And so you voluntarily went there and they knew your  
11 information, that's correct?

12 A Yes.

13 Q They knew how to get in touch with you? And at no  
14 point in the investigation --

15 A No. They gave me a time that they would meet me at a  
16 certain place and I was there, so no, I didn't get a  
17 lineup or anything.

18 Q So they never showed you a lineup?

19 A No.

20 Q And now you said that Mr. Wray looked at you in the  
21 eyes.

22 A Mr. Wray looked in my eyes, yes, sir, he did.

23 Q And about how away from him were you when this  
24 happened?

25 A As far as you were from me.

## DWIGHT LAND - CROSS

1 Q So pretty close then?

2 A Yes, sir.

3 Q And could you hear him talking?

4 A He was trying to talk to the people that was around  
5 because I think some of the people was around him was  
6 related to him I think, I'm not sure. I was just there to  
7 offer my prayers, that was it, and I was offering my  
8 prayers from a distance. And when he looked in my eyes  
9 like to stare at me holding my hands and said pray, and  
10 that was it.

11 Q And you said there were other people around. About  
12 how many people were right around him at that point?

13 A I could not even tell you that.

14 Q So not an exact number, but now at some point you said  
15 it was starting to get dark when this happened?

16 A Yeah.

17 Q Were there other people standing around, not just  
18 immediately around the body but around the curve?

19 A People was all around.

20 Q So there were a lot of people that could have possibly  
21 given statements that night.

22 A Yes.

23 Q There were a lot of people that law enforcement could  
24 have talked to that night at the scene?

25 A Yes.



## DWIGHT LAND - CROSS

1 Q Okay. And again, you said you saw your nephew and not  
2 to keep repeating this, but he had on a hat?

3 A My nephew?

4 Q No, sir, the shooter. When you saw the shooter he had  
5 on a hat and a do-rag. Did you see any vehicles around?

6 A There was a lot of vehicles at the store, there was a  
7 lot of vehicles at the store. I remember seeing I think  
8 like a white truck with white people in it, they were  
9 pretty close.

10 Q They were pretty close and they could have possibly  
11 seen it?

12 A Yeah.

13 Q Do you recall seeing a golden Honda? Did you tell law  
14 enforcement about seeing --

15 A I don't know nothing about no cars like that.

16 MR. JONES: One second. Beg the Court's indulgence.

17 (Break in proceedings.)

18 MR. JONES: I don't have any further questions, thank  
19 you.

20 THE COURT: Any redirect, Solicitor?

21 MS. LIVELY: Just one moment, Your Honor, please.

22 (Break in proceedings.)

23 REDIRECT EXAMINATION

24 BY MS. LIVELY:

25 Q Mr. Land, on the night of the shooting, do you

## DWIGHT LAND - REDIRECT

1 remember telling the police you didn't want to talk there  
2 in front of everybody because you were in fear for your  
3 safety?

4 A No, I don't remember that.

5 Q Okay. But you did give a full statement to the police  
6 a few days later, I think it was about five or six days  
7 later; is that right?

8 A Like I said, I don't remember exactly how many days  
9 it was.

10 Q That's fine, and I know the defense has asked that.  
11 But if what you said back then being only four, five, six  
12 days, even a week after it happened, would that statement  
13 be a more accurate representation?

14 A Everything that I said is right. Everything I said  
15 on there is the whole truth and nothing but the truth.

16 Q I'm not saying anything, but I know it has been a long  
17 time.

18 A It's been a long time.

19 Q All right. So what you said in this particular  
20 statement, if any of that is different than what you're  
21 telling us now -- I'm not asking you if it is, I'm asking  
22 if any of it is different just because it has been so long,  
23 would the statement you gave back then be the more accurate  
24 statement? Is that fair to say?

25 A Yes.

## DWIGHT LAND - REDIRECT

1 Q That's all I'm asking.

2 A Okay, yeah.

3 Q Then do you remember in your statement telling the  
4 police you never saw the shooter's face? And if you would  
5 like I'll play your statement for you to refresh your  
6 memory.

7 A No, I don't remember telling them that. I remember  
8 telling them that he favored someone, I remember telling  
9 them that.

10 Q You do? Okay. Let me mark this as State's Exhibit  
11 Number 22.

12 MR. JONES: Your Honor, may we approach?

13 THE COURT: Yeah.

14 (A bench conference was held.)

15 MS. LIVELY: Your Honor, the State is moving to have  
16 State's Exhibit Number 22 entered into evidence and  
17 published for the jury.

18 MR. JONES: Without objection, Your Honor.

19 THE COURT: All right. Without objection entered into  
20 evidence and you may publish that statement.

21 (The disc was received as State's 22.)

22 MS. LIVELY: And the statement is about 12 minutes  
23 long.

24 THE COURT: Ladies and gentlemen, just listen very  
25 carefully and I hope we've got it good and amplified.

## DWIGHT LAND - RECROSS

1 MS. LIVELY: It's a little bit tough to hear, I'm  
2 going to try to do the best I can.

3 (The video statement was played.)

4 MR. JONES: Your Honor, may we approach?

5 THE COURT: Yes.

6 (A bench conference was held.)

7 (The video statement continued.)

8 MR. JONES: May we approach, Your Honor?

9 THE COURT: Sure.

10 (A bench conference was held.)

11 (The video statement continued.)

12 THE COURT: All right, that's it for redirect. Any  
13 recross?

14 MR. JONES: Briefly Your Honor.

15 RECROSS EXAMINATION

16 BY MR. JONES:

17 Q So just to be clear, all of that aside, the shooter  
18 ran right by you; is that correct?

19 A The shooter ran right by me, the young man ran right  
20 past me.

21 Q And you had a pretty clear view of him when he ran  
22 right past you, correct?

23 A Yes.

24 Q And you told law enforcement that you saw the fire  
25 come out of the gun and the young man ran right past you,

## DWIGHT LAND - RECROSS

1 correct?

2 A Yes.

3 Q And they never bothered to show you a photo lineup,  
4 did they?

5 A They never showed me --

6 Q Not one time.

7 A No.

8 MR. JONES: No further questions.

9 THE COURT: Thank you, sir, you may step down.

10 MS. LIVELY: Can he be excused, Your Honor?

11 THE COURT: You are free to leave.

12 MS. LIVELY: Your Honor, actually I see someone who is  
13 assisting with audio that's here from SLED if we could take  
14 a break.

15 THE COURT: Okay. We'll take a little break, ladies  
16 and gentlemen, go ahead and refresh yourselves, we'll get  
17 the audio hopefully better and we'll get you right here  
18 just as soon as possible. Don't talk about the case.

19 (The jury left the courtroom and a break was taken.)

20 THE COURT: You want to put something on the record,  
21 Mr. Jones?

22 MR. JONES: Yes, sir, Your Honor. Earlier before the  
23 audio was played in Mr. Land's statement to the police in  
24 2010 we had a conversation with the solicitor in cross  
25 examination before she asked him a question, "Do you

1 remember in your statement that you never saw the shooter's  
2 face?" And he said that he didn't remember saying that and  
3 so the evidence was put in to impeach his testimony. Well,  
4 nothing in that statement -- well, first I did not object  
5 because I thought the evidence was coming in for the  
6 limited purpose of impeachment, but furthermore nothing in  
7 the statement actually impeached what the witness said.  
8 For that purpose I would just like to have it on the record  
9 as to why I waived it in the first place and renew the  
10 objection.

11 MS. LIVELY: Your Honor, in regards to -- I don't  
12 have -- I understand he's covering the record in regards to  
13 the statement by Mr. Land. It was only when Mr. Land  
14 specifically said, "Oh yes, and I saw his face and I told  
15 the police," I don't want to have to go back into what his  
16 statement was. But that to me is such one of those  
17 critical situations that can happen in where we've got  
18 credibility going on as our only evidence, we don't have  
19 any forensic evidence in this particular case, that's the  
20 reason why the State wanted to bring it in as a prior  
21 inconsistent statement. He was my own witness, he's saying  
22 he didn't remember, but then he said, "Yes, I did tell them  
23 I saw his face." So I just thought that that was very  
24 important to show the jury that he had given a prior  
25 statement where he had not clearly -- he'd not made that

1 clear to them at that time.

2 THE COURT: Okay.

3 MR. JONES: And Your Honor, just to reiterate one more  
4 time, the exact exchange was, "Do you remember in your  
5 statement -- do you remember that you told the police that  
6 you never saw the shooter's face?" And that's what the  
7 statement was used to impeach him on, he never said that.  
8 He never told the police that he never saw the shooter's  
9 face and that's the basis for my objection.

10 THE COURT: Got it. Now, having said that, no  
11 contemporaneous objection was made at the time the  
12 statement was offered into evidence so it came in without  
13 objection, so the statement is in evidence but your  
14 position is in the record.

15 MS. LIVELY: Thank you, Your Honor.

16 MR. FRICK: Your Honor, just briefly so we can keep  
17 the trial flowing, I think Ms. Gore -- both Ms. Gores are  
18 going to be testifying. Of course, at some point after the  
19 hearing yesterday we made an objection to that testimony, I  
20 think there was a Lyle hearing on it and we made an  
21 objection regarding severance of trial. At this time we  
22 would renew or objection to that testimony as volitive of  
23 404B, 403 and renew or objection to it being tried  
24 together.

25 THE COURT: All right. And while I do agree with the

1 defense that it is in violation of 404B, and I think I  
2 stated that in my ruling yesterday, the State has elected  
3 to proceed on both indictments for the trial of this case.  
4 No motion to sever was ever filed or presented by the  
5 defense until after the 404B issue was ruled upon, and it  
6 was upon that basis that the Court denied the motion to  
7 sever, okay? So the indictment is before -- the indictment  
8 for pointing and presenting a firearm will go before the  
9 jury, and any evidence that the State has toward that  
10 indictment can and will come in unless, you know, it's not  
11 relevant or any other relevant objection is applicable.  
12 All right. Anything else?

13 MS. LIVELY: Not from the State.

14 THE COURT: Okay. Bring in the jury.

15 (The jury returned to the courtroom.)

16 THE COURT: Thank you, ladies and gentlemen, for your  
17 patience. You will see why that break took a little longer  
18 than it was supposed to take, lots of wires, lots of  
19 speakers, lots of headphones, and that's to assist you in  
20 understanding and hearing what statements may be presented  
21 or published, okay? And unfortunately it just took awhile  
22 to get all of that set up. We've got it all set up now, I  
23 have been told there's no bugs in it, we'll see, but the  
24 State can call its next witness.

25 MS. LIVELY: Thank you, Your Honor. The State calls



1 Crystal Gore.

2 The witness, CRYSTAL GORE, was first duly sworn and  
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. LIVELY:

6 THE COURT: Just make sure you get up to the  
7 microphone and speak into it, okay? Thank you.

8 Q State your name for the jury.

9 A Crystal Gore.

10 Q And Crystal, are you a resident of Chester County?

11 A Yes.

12 Q How long have you lived in this area?

13 A All my life.

14 Q Do you know the defendant, Jock Bowler?

15 A Yes.

16 Q All right. And how do you know him?

17 A I got a baby by him.

18 Q You've got a baby by him. What is your baby's name?

19 A Jaquice.

20 Q When was Jaquice born?

21 A August the 11th of 2010.

22 Q In 2010. Before you became involved with Mr. Bowler,  
23 did you have a relationship with Faris Wray?

24 A Yes.

25 Q And did you have a child from Mr. Wray?

## CRYSTAL GORE - DIRECT

1 A Yes.

2 Q And what's that child's name?

3 A Cameron.

4 Q When was Cameron born?

5 A March 18th, 2006.

6 Q Now Crystal, have there been any problems, or were  
7 there any problems between Mr. Bowler and Faris Wray  
8 because of the fact that you had kids from both of them?

9 A It wasn't about the kids.

10 Q Okay, I understand. How about because they kept  
11 having contact with you since you were the mother of both  
12 of their children?

13 A Yes.

14 Q And tell the jury about if you have any personal  
15 knowledge of anything ever happening showing the -- I guess  
16 the problem between Faris and Jock.

17 A When me and Jock first got together the only conflict  
18 I remember was when Faris chased us up York Road and they  
19 got into it then and that's the only thing.

20 Q And since that time were they ever friends?

21 A No.

22 Q All right. Now, Crystal, how old -- you said that  
23 Jaquice was born in August of 2010, correct?

24 A Yes.

25 Q You need to answer out loud.

## CRYSTAL GORE - DIRECT

- 1 A Right.
- 2 Q Now, tell the jury on September 8th of 2010, were you
- 3 living with Jock in Chester County?
- 4 A Yes.
- 5 Q Around September 8th then, that means that Jaquice
- 6 would have been about a month?
- 7 A Almost.
- 8 Q Almost a month old. All right. Now, on the 8th of
- 9 September, did you have any visitor that stopped by?
- 10 A My mama.
- 11 Q And that's Stephanie Gore?
- 12 A Yes.
- 13 Q Now, Crystal, had you and Jock been arguing or had any
- 14 problems that day?
- 15 A Yes.
- 16 Q All right. Tell the jury what was going on.
- 17 A My light bill was due and I flipped out, like we was
- 18 arguing about how we was going to get it paid because I
- 19 got tired of calling and asking my mama.
- 20 Q So you said that your mom actually came by.
- 21 A Yeah. She stopped by everyday since I had the baby.
- 22 Q So when she stopped by that day, were you and Jock
- 23 still arguing?
- 24 A Yes.
- 25 Q And what was your emotional condition?

## CRYSTAL GORE - DIRECT

- 1 A I was upstairs crying when she came.
- 2 Q Did you hear anything happening between Jock and your
- 3 mom when you were still upstairs?
- 4 A Yeah, they was arguing so I went downstairs.
- 5 Q So when you went downstairs were they still arguing?
- 6 A Yes.
- 7 Q At some point in time did Jock leave that area?
- 8 A Yes.
- 9 Q Where did he go?
- 10 A I guess to call his mama and aunt.
- 11 Q Did he ever go upstairs?
- 12 A When he came back.
- 13 Q When he came back. All right. So when he came
- 14 back -- so this is a -- is this a two level --
- 15 A It was an apartment.
- 16 Q It was an apartment, all right. So whenever he came
- 17 back and came down, what happened next?
- 18 A When he came down his mom and aunt started grabbing
- 19 him and I heard my mom say, "Oh, you're going to shoot
- 20 me?"
- 21 Q When you heard, "Oh, you're going to shoot me," were
- 22 you scared for your baby and your mama?
- 23 A Yes.
- 24 Q So what did you do?
- 25 A Called the police.

## CRYSTAL GORE - DIRECT

1 Q All right. When you called the police, what did you  
2 tell the police?

3 A Jock had the gun, going to shoot my mama.

4 Q Jock had a gun and was fixin' to shoot your mama.

5 A Yes.

6 Q Did that happen on the same day that Mr. Wray, your  
7 ex, was shot and murdered?

8 A Yes.

9 Q Now, on that day, Crystal, did Jock leave or did you  
10 leave the house?

11 A He left and I left too.

12 Q Okay. All right. Did your mom end up leaving too?

13 A Yeah. My mom went and dropped me off where I went.

14 Q And so were you there whenever the police got there?

15 A You mean later on that night?

16 Q No. I'm talking that day after you called 911, were  
17 you there when the police got there?

18 A Yeah, I was there.

19 Q So you talked to the police at that time?

20 A Yeah. And they asked did I see anything and I told  
21 them they would have to talk to my mom about it.

22 Q Okay. All right. Thank you, answer any questions  
23 that the defense might have, okay?

24 THE COURT: Mr. Frick?

25 MR. FRICK: Thank you Your Honor.

## CRYSTAL GORE - DIRECT

1 CROSS EXAMINATION

2 BY MR. FRICK:

3 Q Ms. Gore, the solicitor asked you about any knowledge  
4 you had of prior problems between Jock and Faris, you said  
5 Faris had chased him up the road?

6 A No, it was me.

7 Q Chased you up the road.

8 A Yeah, we was just in cars.

9 Q Okay. All right. But it was Faris that was doing the  
10 chasing.

11 A Yeah.

12 Q On September 8th of 2010, did you see Jock with a gun?

13 A No. I was guarding my mom like this, and I was  
14 like -- she was like, "You're going to shoot me." So I  
15 picked up the phone, it was on my couch and just called.

16 Q Okay. All right. You didn't turn around and have any  
17 more words with Jock?

18 A I didn't have words period in there. It was like his  
19 mom, aunt, my mom, like everybody else having words, I was  
20 just trying to calm everybody down and wanted everybody  
21 out of my house.

22 Q And Jock left the house?

23 A Yeah.

24 Q Okay.

25 MR. FRICK: One second.

## CRYSTAL GORE - CROSS

1 (Break in proceedings.)

2 Q When your mom says, "Oh, you gone to shoot me," you  
3 were standing there with her?

4 A Yeah.

5 Q Everybody was in the room?

6 A Yeah.

7 Q Aunt was in the room, Jock was in the room, you're in  
8 the room?

9 A Yeah.

10 Q Okay.

11 MR. FRICK: Thank you, ma'am, no further questions.

12 THE COURT: Thank you, ma'am, you can step down.

13 MS. LIVELY: She can be excused, Your Honor.

14 THE COURT: You're excused from your subpoena, thank  
15 you, ma'am. You may leave if you wish. You may call your  
16 next witness.

17 MS. LIVELY: Stephanie Gore.

18 The witness, STEPHANIE GORE, was first duly sworn and  
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MS. LIVELY:

22 Q Just state your name for the jury to hear.

23 A Stephanie Moore Gore.

24 THE COURT: Ma'am, move the microphone up, okay?

25 Q Ms. Gore, how are you related to Crystal?

## CRYSTAL GORE - CROSS

1 A She's my oldest daughter.

2 Q And on September 8th of 2010, did you drop by to see  
3 her and her new baby?

4 A Yes, I did.

5 Q All right. Tell the jury what happened on that day.

6 A Well, I dropped by and I went into the house and --  
7 well, I dropped by and my grandson was in the house and  
8 went upstairs to his mother, he came downstairs and told  
9 me she had been crying. So I came in the house and asked  
10 what was going on and me and Jock had words, then she came  
11 downstairs and we was still fussing and fussing. And then  
12 somehow he went and called his mom and his aunt and then  
13 they came and then all of us got into it, and then next  
14 thing I know he was going upstairs.

15 Q Let me stop you there for just a second, okay? So  
16 when you get there you said that you and Jock had words.

17 A We had words.

18 Q What was it about?

19 A I mean, that's my daughter and she said they had been  
20 fussing about bills and just little stuff, and I just had  
21 had it, you know, I had had it with him, you know, and  
22 them fussing and I just wanted to know what was going on.

23 Q Was Jock angry whenever he saw you there? Could you  
24 tell if he was angry?

25 A I mean, yeah, we both was angry, yeah.



## STEPHANIE GORE - DIRECT

- 1 Q So you were both angry at that time.
- 2 A Yes.
- 3 Q And had Crystal come down yet?
- 4 A Yes.
- 5 Q So when you said that Jock went and called his mom and
- 6 his aunt and they came over, so who all was in that area at
- 7 that time once Crystal came down?
- 8 A Me and Jock.
- 9 Q Okay. So you and Jock --
- 10 A When she came down me and Jock was there, then
- 11 somehow he went and called his mom and his aunt and then
- 12 they came.
- 13 Q And then they came.
- 14 A Yes.
- 15 Q Okay, thank you. So when they came was there ever a
- 16 point in time whenever Jock left all of y'all?
- 17 A When they came, yeah. After he came down with the
- 18 gun, yeah.
- 19 Q Okay. Tell me when he showed back up with the gun,
- 20 that's what -- I want you to fill in that gap for the jury.
- 21 A Okay. So we was arguing and then the next time he
- 22 was going upstairs, and then he came back down and I seen
- 23 a black gun in his hand.
- 24 Q Was his mom and aunt there at that time?
- 25 A It was some steps, they was standing by the steps,

## STEPHANIE GORE - DIRECT

1    okay? And then he came down and then they grabbed him,  
2    and then I said, "Are you going to shoot me?" Because I  
3    seen the gun in his hand, and his mom and his aunt was  
4    grabbing him holding him.

5    Q     How did that make you feel at that time?

6    A     I feared for my life, for my kid's life and my  
7    grandchild. I had never had a gun -- you know, nobody get  
8    a gun and want to shoot me, I mean, that's real scary,  
9    real scary.

10   Q     You had mentioned that whenever you got there that  
11   your grandson had gone into the house and came back out to  
12   you. Were any of your grandchildren in the home when this  
13   happened?

14   A     No, they was outside.

15   Q     They were. Okay. How about the baby, Jaquice, where  
16   was he?

17   A     I was holding him, we was in the kitchen and I was  
18   holding him. And Crystal came -- when he came down  
19   Crystal came in to protect me, she had her arms out, you  
20   know, and that's when I said, "Well, are you going to  
21   shoot me?" She had her arms out, then she called the  
22   police.

23   Q     Were you there when the police got there?

24   A     Yes, I was.

25   Q     And did you cooperate with them and give them this

## STEPHANIE GORE - DIRECT

1 information at that time?

2 A Yes, I did.

3 Q Once again, who was it that had a gun in their hand  
4 that day when you were in that home?

5 A J. C. Bowler.

6 Q And is he in the courtroom?

7 A Yes, he is.

8 Q Please point him out to the jury.

9 A (Witness complies.)

10 MS. LIVELY: Thank you, answer any questions the  
11 defense has.

12 THE COURT: Mr. Jones?

13 CROSS EXAMINATION

14 BY MR. JONES:

15 Q So Ms. Gore, you went to the house because you heard  
16 that Mr. Bowler and your daughter had been arguing.

17 A I didn't go to the house because they were arguing, I  
18 went to visit my daughter.

19 Q You just went to visit?

20 A Yes, sir.

21 Q And were you invited inside? How did you get inside  
22 the house, did somebody invite you in? Was the door  
23 opened?

24 A My grandson went in the house first, came downstairs  
25 and told me, "Mama is crying," so I went in the house.

## STEPHANIE GORE - CROSS

1 Q And when you went in the house you went in with your  
2 grandson, was the door locked? Did you force your way in  
3 or --

4 A The door was already opened because my grandson was  
5 in the house, he always go to his mama's house.

6 Q And so now you went inside and you had a conversation  
7 with Mr. Bowler, and it's your testimony that he went  
8 upstairs to grab a gun?

9 A He went upstairs and when he came down he had a gun  
10 in his hand.

11 Q And is your testimony he was threatening you with the  
12 gun?

13 A To me that was his intentions was to threaten me,  
14 because he came down with the gun and his aunt and his  
15 mama had to hold him back. I mean, why would I say stuff  
16 if I didn't see it?

17 Q Yes, ma'am. But now when he came down you were  
18 holding his son, correct?

19 A I was holding his son.

20 Q So it's your testimony he came down threatening you  
21 with a gun while you were holding his son?

22 A Yes.

23 Q And that's your testimony here today?

24 A Yes.

25 Q And when you went there -- when you talked to him you

## STEPHANIE GORE - CROSS

1    were pretty upset with him, correct?

2    A    We was all upset, yes.

3    Q    You wanted him to leave the house?

4    A    I didn't want him to leave the house, I was upset  
5    because he was arguing with my child.

6    Q    Yes, ma'am. And now anyone else in the house, did  
7    anyone else give a statement to the police about seeing a  
8    gun?

9    A    I know I did. I don't know what my daughter said but  
10   his aunt and his mom, I don't know what they did.

11   Q    Did he ever point the gun at you?

12   A    When he came down he had the gun and his aunt and his  
13   mom grabbed his arms and was pulling him out the door.

14   Q    And did he actually threaten you with the gun  
15   indicating that he wanted to shoot you with a gun?

16   A    I mean, we was fussing that day, to me I felt  
17   threatened. Even though he did come down with a gun,  
18   what's the point of him going upstairs and getting a gun?

19   Q    Did he fire the gun?

20   A    When he went outside we heard a shot.

21   Q    So you saw him fire the gun?

22   A    I didn't see him fire, I heard a shot.

23   Q    And you're sure it was a gunshot that you heard?

24   A    I heard a shot, yes.

25   Q    And you said the gun was black?

## STEPHANIE GORE - CROSS

1 A The gun was black.

2 Q Can you tell me anything else about the gun? How big  
3 was it?

4 A I cannot tell you anything else about the gun because  
5 all of the commotion and stuff that was going on. I know  
6 it was a gun.

7 Q And it was a black gun?

8 A It was a black gun.

9 Q And you were the only person in the house that saw it.

10 A I seen it. Other people seen it but I can't say what  
11 they're going to say, no, sir.

12 Q And again to reiterate when you're saying he  
13 threatened you with a gun you were actually holding his  
14 child, correct?

15 A Yes, I was.

16 MR. JONES: Thank you, ma'am, no further questions.

17 MS. LIVELY: Nothing further.

18 THE COURT: Thank you, ma'am, you can step down.

19 State may call its next witness.

20 MS. LIVELY: Yes, Your Honor. The State calls

21 Detective Phillip Perry to the stand.

22 The witness, PHILLIP PERRY, was first duly sworn and  
23 testified as follows:

24 DIRECT EXAMINATION

25

## STEPHANIE GORE - CROSS

1 BY MS. LIVELY:

2 Q All right. Detective Perry, please tell the jury  
3 where you are currently employed.

4 A I work at the Chester County Sheriff's Office.

5 Q How long have you worked there?

6 A Eighteen years.

7 Q Are you a resident of Chester County?

8 A Yes, ma'am.

9 Q How long have you lived here?

10 A Forty years.

11 Q How old are you?

12 A Forty years.

13 Q Okay. Now, Detective Perry, were you -- well, you're  
14 a detective, so just tell the jury exactly what your duties  
15 are in regards to investigations and working at the  
16 sheriff's office.

17 A I'm called out to certain incidents where the  
18 detectives are needed, I will collect evidence as I can, I  
19 take statements. I also enter evidence into the vault and  
20 then determine which testing that I would want certain  
21 evidence to be performed by SLED or possibly another  
22 agency.

23 Q Okay. Now, are you usually the first person on a  
24 scene whenever an actual crime is committed?

25 A No, we're usually not the very first. A patrol

## PHILLIP PERRY - DIRECT

1 officer is generally the first and then they would call us  
2 to the scene based on what they find.

3 Q On September 8th of 2010, were you called out to the  
4 allegation of a shooting in the Chester area and Odoms  
5 Store area?

6 A Yes, ma'am, I was.

7 Q So were you the lead investigator in this particular  
8 case that we're talking about here this week?

9 A I was the on-call investigator, yes, ma'am.

10 Q So in other words you were the unlucky one who got  
11 picked?

12 A Exactly.

13 Q And in all fairness, these cases when you're called  
14 out for a shooting out in the public, does that pose any  
15 kinds of problems for you as an officer in investigating?

16 A It depends on where the shooting takes place. This  
17 case was tough because there was such a crowd that had  
18 been there before I arrived, in addition to people who had  
19 been near Faris before emergency personnel got there. I  
20 know there was at least one ambulance crew and two fire  
21 truck crews who had been in that area, which their job is  
22 to help Faris, not necessary to protect evidence or  
23 preserve evidence and that's what they did.

24 Q So whenever you got there -- and you've already kind  
25 of described the scene, were you able to actually collect



## PHILLIP PERRY - DIRECT

1 any evidence from that area on that evening?

2 A I collected a red hat and a white T-shirt.

3 Q And at that time did you have any idea what those  
4 items were or who they belonged to?

5 A I didn't at the time. I felt like they were  
6 important to be collected because I knew that somebody had  
7 been shot at the time, I didn't know who it was and my  
8 understanding was that it belonged to the victim so I  
9 collected it.

10 Q All right. Now, Detective Perry, on that night you  
11 said you collected those couple of items. What did you do  
12 next as a part of your response to this case?

13 A I attempted to figure out where Faris had been  
14 transported. He'd been taken to Carolinas Medical Center  
15 so I went there to determine if there was anything I could  
16 collect there. I couldn't collect anything that  
17 particular evening, they had not finished doing what they  
18 needed to do as far as removing the rest of his clothing.  
19 It was very busy at the ER in Charlotte as you can imagine  
20 so I had to go back the following afternoon to collect  
21 what evidence was available up there.

22 Q Detective Perry, I know you've had an opportunity to  
23 review your report, but since it's been a period of time,  
24 do you happen to remember when the first 911 call came in  
25 regarding the shooting?

## PHILLIP PERRY - DIRECT

1 A I know it was sometime around nine, I believe.

2 Q Around 9:00?

3 A Uh-huh.

4 Q And so -- and you already stated that you weren't the  
5 first one on the scene, but do you know about how long it  
6 took you to actually arrive there after you were notified?

7 A I was called approximately 9:25, and I was there  
8 approximately 9:45, it took me about 20 minutes to get  
9 there.

10 Q And then you said you ended up going to Carolinas  
11 Medical Center?

12 A Yes, ma'am.

13 Q In Charlotte. When you got there, was Mr. Wray  
14 deceased?

15 A Yes, ma'am, he was.

16 Q And at that time, what information did you have  
17 regarding the cause of his demise?

18 A I knew that he had been shot. I wasn't really able  
19 to speak with the doctor to make a determination on  
20 whether or not that was what resulted in his death, but I  
21 believed that it was.

22 Q But just for the purposes of your follow-up  
23 investigation, was that the focus of your investigation at  
24 that point in time that you were investigating a shooting  
25 murder?

## PHILLIP PERRY - DIRECT

- 1 A Yes, ma'am.
- 2 Q Okay. Now, whenever you -- did you actually go -- you
- 3 went to the autopsy; is that correct?
- 4 A Yes, ma'am.
- 5 Q And when was the autopsy conducted on Mr. Wray?
- 6 A It was September 10th.
- 7 Q All right. So two days after the incident occurred.
- 8 A Yes, ma'am.
- 9 Q Now, on September 9th, did you have the opportunity to
- 10 speak with anyone regarding this particular event?
- 11 A Yes, ma'am. I spoke with J. C. Bowler and also Eric
- 12 Jones.
- 13 Q J. C. Bowler and Eric Jones, okay. I'm going to back
- 14 you up for just a minute. When were you able to actually
- 15 collect any items from Carolina Regional Medical Center
- 16 regarding Faris Wray?
- 17 A I went after the autopsy.
- 18 Q After the autopsy.
- 19 A After the autopsy at Piedmont I left and went to
- 20 Charlotte the second time and recovered the items then.
- 21 Q So at that time those items had -- is that standard
- 22 for them to actually -- whenever they have a body that's
- 23 sent to them to actually collect these items?
- 24 A Yes, ma'am. They collect them and store them in a
- 25 secure area in the ER, they have a small vault in the ER.

## PHILLIP PERRY - DIRECT

1 It takes them awhile sometimes to get the stuff collected  
2 to their satisfaction because they keep a trail as to had  
3 possession of the evidence up there as well.

4 Q And were you the one that signed that evidence out?

5 A Yes, ma'am.

6 Q And whenever you signed that evidence out, do you  
7 recall those items that you actually collected from Faris  
8 Wray?

9 A It was his personal affects. I know it was a pair of  
10 socks, some underwear, the personal effects that were in  
11 his pocket. I know there were some cigarette lighters,  
12 the rest of his clothing.

13 Q The rest of his clothing. Do you recall a belt?

14 A Yes, ma'am, I believe it was a brown leather belt.

15 Q So those were the items that you actually retrieved  
16 from Carolina Regional -- or Carolina Medical Center?

17 A Yes, ma'am.

18 Q And did you provide those to your evidence custodian  
19 here in Chester County?

20 A Yes, ma'am.

21 Q Now, just to back you up again, you stated -- well,  
22 let me ask you this: Did you get any statements from any  
23 of the spectators that evening whenever you arrived on what  
24 was left of the scene?

25 A No, ma'am.

## PHILLIP PERRY - DIRECT

1 Q Why not?

2 A Well, there were a number of people there but nobody  
3 would admit that they saw anything. We talked to several  
4 people, and I went back later and spoke to some other  
5 people in the neighborhood, but for whatever reason people  
6 just didn't want to come forward with the information  
7 whether they had seen or heard anything.

8 Q Now, that next morning you stated you talked to -- or  
9 the next day, I'll let you say when, the next day you spoke  
10 to J.C. Bowler and Eric Jones.

11 A Yes, ma'am.

12 Q So how did J. C. Bowler end up coming in and talking  
13 to you?

14 A J. C. went to the sheriff's office on Dawson Drive,  
15 he spoke with some officers out there, Henry Hamacher in  
16 particular, and he requested to come and speak with the  
17 investigators. Henry brought him to our office, which at  
18 the time was on Saluda Street, and we spoke with him  
19 there, Lieutenant McDaniel and I.

20 Q Whenever you spoke with Mr. Bowler, did you actually  
21 record that statement?

22 A Yes, ma'am.

23 Q And was that recording preserved and provided to  
24 myself as well as then turned over to the defense?

25 A Yes, ma'am.

## PHILLIP PERRY - DIRECT

1 Q And about how long did that recording take?

2 A I believe it was less than 20 minutes.

3 Q About 20 minutes? All right. Now -- hold on just a  
4 minute.

5 MS. LIVELY: Your Honor, may we approach for one real  
6 quick second?

7 THE COURT: Yes.

8 (A bench conference was held.)

9 Q Detective Perry, now, you said that there was an audio  
10 recording of the statement of Mr. Bowler the next day;  
11 correct?

12 A Yes, ma'am.

13 Q And Henry Hamacher is the one that brought him to the  
14 office?

15 A Yes, ma'am.

16 Q All right. Now, have you heard that statement since  
17 that time?

18 A I have.

19 Q As a matter of fact, were you in here earlier when we  
20 were playing that statement before bringing the jury out?

21 A Yes, ma'am.

22 Q Is that still a fair and accurate representation of  
23 the actual audio recording from six and a half years ago?

24 A Yes, ma'am, it is.

25 Q I'm going to show you the sleeve that that

## PHILLIP PERRY - DIRECT

1 recording -- the disc came in as State's 23. I know it  
2 probably means nothing to you at this point, but the actual  
3 disc that's already ready for the jury to hear is the disc  
4 that goes into that sleeve, and is that a fair and accurate  
5 representation of that statement as stated before of Mr.  
6 Bowler?

7 A Yes, ma'am.

8 MS. LIVELY: Your Honor, the State moves State's 23  
9 into evidence at this time.

10 MR. JONES: Noting my previous objection.

11 THE COURT: All right. Overruled except as to what  
12 the Court has already decided to allow in. Go ahead.

13 (The audio disc was received as State's 23.)

14 MS. LIVELY: Your Honor, at this time the State would  
15 wish to publish the statement of defendant Jock Bowler.

16 THE COURT: Permission to publish granted.

17 MS. LIVELY: Thank you.

18 (At this time the statement of the defendant was  
19 Played.)

20 Q Now, Detective Perry, who else did y'all interview  
21 that day, do you recall?

22 A Eric Jones.

23 Q Eric Jones. And then over the next couple of days,  
24 did you have an opportunity to interview other people who  
25 came forward regarding what they knew about the shooting?

## PHILLIP PERRY - DIRECT

1 A Yes, ma'am.

2 Q Do you remember who all of those people were?

3 A Arthur Jennings, Cedric Jackson, Golden Dunifer and  
4 Dwight Land.

5 Q Were you in the courtroom when Arthur Jennings and  
6 Dwight Land testified earlier today?

7 A Yes, ma'am.

8 Q All right. Now, were you here whenever Cedric Jackson  
9 testified late yesterday?

10 A Yes, ma'am.

11 Q Now, who all was actually in the vehicle with the  
12 defendant that you learned not only from his statement but  
13 from your investigation that day?

14 A Eric Jones, Cedric Jackson, Golden Dunifer.

15 Q And Jock Bowler.

16 A Jock Bowler, yes, ma'am.

17 Q Did you ever talk to the female by the name of Coco?

18 A I did not.

19 Q All right. And has Coco ever come forward to give you  
20 a statement?

21 A No, ma'am.

22 Q Now, how cooperative were these witnesses?

23 A Not very. They weren't very forthcoming with  
24 information, it was tough to get information from them.

25 Q Okay. And what problem, if any, did that pose for you



## PHILLIP PERRY - DIRECT

1 in proceeding with your investigation?

2 A At that point that was pretty much all that we knew  
3 we were going to be able to get for certain would be  
4 witness testimony, statements from people who saw  
5 something at the scene. There was not a lot of forensic  
6 evidence that we were able to collect in this particular  
7 case.

8 Q All right. On the day whenever Mr. Bowler came in,  
9 were y'all actually -- did you perform a gunshot residue  
10 test on him?

11 A Yes, ma'am, I did.

12 Q And why did you do that?

13 A It was a test to see if there were any particles of  
14 gunshot residue. It's a test that they can perform at  
15 SLED to search for lead particles, the particles of  
16 byproducts of firing a gun on a person's hands.

17 Q Did you actually take the -- did you actually take all  
18 of the different information that you needed from the  
19 gunshot residue kit, package it and send it to SLED for  
20 testing?

21 A Yes, ma'am, I did.

22 Q All right. Now, what other items did you end up  
23 actually bringing or taking from this particular  
24 investigation and send to SLED for further forensic  
25 testing?

## PHILLIP PERRY - DIRECT

1 A I sent a white do-rag that Mr. Bowler had thrown in  
2 the trash can at the sheriff's office on the morning that  
3 he met with Henry Hamacher, I also had it tested for  
4 gunshot residue. I sent some blood from the autopsy and  
5 also two bullets that were recovered from Mr. Wray's body.

6 Q You might have not testified to this, I'm not sure,  
7 did you state that you were actually present during the  
8 autopsy of Mr. Wray?

9 A Yes, ma'am, I was.

10 Q Were you the one that took the pictures during the  
11 autopsy of Mr. Wray?

12 A Yes, ma'am.

13 Q I'm not going to put those in at this time, I'm just  
14 going to have you identify them for me. I'm just going to  
15 have you state for the record if you recognize State's  
16 Exhibit 15, 16, 17, 18, and 19. If you will just flip  
17 through those.

18 A Yes, ma'am.

19 Q Are you familiar with State's 15 through 19?

20 A Yes, ma'am, I am.

21 Q And are you the one that took those photos?

22 A Yes, ma'am.

23 Q Okay. You've already testified that you retrieved  
24 the -- you were able to get the clothes and the personal  
25 items of Faris Wray on the day of the autopsy as well; is

## PHILLIP PERRY - DIRECT

1 that correct?

2 A Yes, ma'am.

3 Q All right. Now, whenever you submitted everything to  
4 SLED if they have any type of positive results or any type  
5 of results that they would need to come in and testify to,  
6 are you provided an actual report from them regarding that?

7 A Yes, ma'am.

8 Q And if you -- if there's nothing found do you get that  
9 as well?

10 A We get that on the report also.

11 Q You get that report as well. Now, you stated that a  
12 white do-rag was actually retrieved on the date whenever  
13 Mr. Bowler came in for an interview; is that correct?

14 A That's correct.

15 Q And you sent that off for testing?

16 A Yes, ma'am, it was sent.

17 Q And when was that done?

18 A I don't know exactly when SLED processed it but it  
19 should be written on the report.

20 Q But was it recent?

21 A Recently I think it was processed for DNA, but it was  
22 processed for gunshot residue.

23 Q Back in 2010?

24 A Back in 2010, yes, ma'am.

25 Q And I just want you to explain to the jury, this case

## PHILLIP PERRY - DIRECT

1 has been out there for quite sometime, is that fair to say?

2 A Yes, ma'am.

3 Q Now, the most recent time that the do-rag or the white  
4 head rag was sent to SLED, what were you sending it for  
5 testing it? What were they testing it for?

6 A It's what we would call ownership DNA. It would be  
7 to attempt to get a positive match between an item that a  
8 suspect might have been wearing to a known standard of his  
9 DNA, in other words to be able to link that item to that  
10 person.

11 Q So was that the purpose of you sending it?

12 A Yes, ma'am.

13 Q And I know you're not a DNA person, but whenever it  
14 came back, was there anything forensic?

15 A No, ma'am.

16 Q All right. Now, and whenever it was sent back from  
17 SLED the first time in 2010, was there any GSR or gunshot  
18 residue at that time?

19 A Not on the do-rag, no.

20 Q And we have someone from SLED that's going to come in  
21 on that, but for your purposes of your investigation, what  
22 did you have at that point forensically, which would be  
23 kind of a CSI term, that you could link Mr. Bowler to the  
24 actual murder?

25 A I mean, forensically we had the two bullets recovered

## PHILLIP PERRY - DIRECT

1 from autopsy.

2 Q Okay. And then you had the two bullets, but was the  
3 gun used to kill Faris Wray ever found?

4 A No, ma'am.

5 Q When you retrieved the items from Faris Wray after he  
6 had passed on, was there anything that you retrieved that  
7 showed to be like a weapon or something on him to show that  
8 he was armed?

9 A No, ma'am.

10 Q Did you have any information whatsoever from any of  
11 the witnesses even who have been subpoenaed here in court  
12 that gave you any indication that he was armed in any way?

13 A No, ma'am.

14 Q All right. Did you have an opportunity to speak with  
15 Golden Dunifer?

16 A Yes, ma'am, I did.

17 Q Now, all of these other people that you spoke to other  
18 than the ones that are coming here and testified today,  
19 were they in the vehicle with Jock Bowler on the night of  
20 Faris' shooting?

21 A Several of them were, now Mr. Jennings was not.

22 Q Not Jennings and Land, but I'm talking about Golden  
23 Dunifer and Eric Jones, Coco and Ceric Jackson.

24 A Yes, ma'am, they were in the car.

25 Q All of those were in the vehicle.

## PHILLIP PERRY - DIRECT

1 A With Jock.

2 Q Now Detective Perry, after you conducted your  
3 investigation and you had all the information, at what  
4 point in time did you actually arrest Mr. Bowler for this  
5 offense? Do you remember how long it was after the  
6 shooting?

7 A I believe it was about five days I think, five or six  
8 days. I can't remember exactly when he was arrested.

9 Q Sure, that's fine. And at that point in time what was  
10 the most significant evidence for you as an investigator  
11 regarding probable cause to have him arrested?

12 A An eye witness statement from Mr. Jennings.

13 Q And when you talked to Mr. Jennings -- we've already  
14 heard him earlier today, was he pretty -- from your opinion  
15 just as an officer, not as an expert, just from your  
16 experience, was he pretty forthcoming in regards to what he  
17 was telling you?

18 A He was. Once he came to be interviewed he was  
19 forthcoming with information at that point.

20 Q Were these people nervous whenever they came to talk  
21 to you?

22 A They seemed to be, yes, ma'am.

23 Q I'm going to show you a couple of photos and just  
24 because -- are you -- you're familiar with that scene  
25 around Odoms Store, is that fair to say?

## PHILLIP PERRY - DIRECT

1 A I am.

2 Q And I'm going to show you and ask you if you would  
3 please on each one of these pictures --

4 MS. LIVELY: Your Honor, may he step down, please?

5 THE COURT: Yeah.

6 Q There has been testimony that -- well, you testified  
7 that you believe it was around 9:00 that night whenever you  
8 got the first call about a shooting.

9 A Yes, ma'am.

10 Q Now, I'm going to show you State's Exhibit Number 4.  
11 And when you look at State's Exhibit Number 4, would you  
12 please point out the street lights that you see in that  
13 particular picture?

14 A There is a street light here and there is a light  
15 here, there is another light I believe back here, but it's  
16 not in the photo.

17 Q And approximately where in State's Exhibit Number 4  
18 was Faris' body? I know that you said that they had roped  
19 off the crime scene, but where was his body?

20 A Approximately right here in this area.

21 Q I'm going to get you, if you don't mind, to circle the  
22 street lights that you just mentioned.

23 A (Witness complies.)

24 Q And just for the record you've circled two street  
25 lights. And then I show you State's Exhibit Number 8, and

## PHILLIP PERRY - DIRECT

1 this is outside of Odoms Store. Is this pointing towards  
2 the area where Faris is shot? Is that looking up the  
3 street where he was shot?

4 A Yes, ma'am, it is.

5 Q And once again, can you point out in relation to where  
6 it would have been that his body was actually laying?

7 A It would have been in this area on the side of the  
8 street.

9 Q On the other side of that truck.

10 A Yes.

11 Q Well, the truck wasn't there at the time.

12 A No, ma'am.

13 Q So right in that area. I'm going to show you State's  
14 13 and 14, 13 first. And as to 13, would you please mark  
15 on here where Faris' body or the location where the crime  
16 scene tape, if you can, where it was located on 13?

17 A Just a big circle?

18 Q Not too big, just so we can kind of get an idea of  
19 where that was.

20 A (Witness complies.)

21 Q Okay. Got you. Once again, please tell the jury what  
22 this is in relation to where the body was found, what's  
23 that?

24 A That's a light pole with a night light on it.

25 Q And the crime scene was right under that night light?



## PHILLIP PERRY - DIRECT

1 A Yes, ma'am.

2 Q And then once again State's Exhibit 14, okay, in  
3 relation to this, do you see where we are? All right. Let  
4 me show this to you. Now, are we looking at the same light  
5 pole again?

6 A This one is, yes, ma'am.

7 Q And the one in the middle of State's 14?

8 A Right.

9 Q Okay. And do you know what this orange marker is?

10 A That's the area where Mr. Wray's body was located.

11 Q Okay. You can have a seat, thanks. Now, on the night  
12 of the actual shooting when you showed up on the scene, did  
13 you have at least some idea of a BOLO, be on the lookout  
14 for a potential suspect?

15 A Yes, ma'am.

16 Q And what was that information that you were able to  
17 get?

18 A A black male with a white T-shirt on and a blue hat.

19 Q Okay. At that time did anyone give you the name of  
20 any potential suspect?

21 A No, ma'am.

22 MS. LIVELY: Thank you, Detective Perry. Please  
23 answer any questions that the defense might have for you.

24 CROSS EXAMINATION

25

## PHILLIP PERRY - DIRECT

1 BY MR. JONES:

2 Q Detective Perry, how long did you say you have been on  
3 the force now?

4 A Eighteen years.

5 Q Eighteen years. So you've worked a good few crime  
6 scenes and investigated a good few cases?

7 A Yes.

8 Q And so now I understand that one of your functions is  
9 obviously to protect the public; isn't that right?

10 A Yes, sir.

11 Q But another thing that you do is you have to come here  
12 in court and you have to get evidence and present it to a  
13 jury, don't you?

14 A Yes, sir.

15 Q And that's one of your job functions?

16 A Yes, sir.

17 Q And so when you're investigating a crime scene, is one  
18 of your job functions to gather as much evidence as you  
19 possibly can; isn't that correct?

20 A That's true.

21 Q All right. Now, these pictures that we're looking at  
22 right here, did you take these pictures?

23 A No, sir.

24 Q So these lights -- did anyone take pictures that  
25 night?

## PHILLIP PERRY - CROSS

1 A Deputy Pressley took pictures.

2 Q Deputy Pressley did take pictures, of the crime scene?

3 A Yes.

4 Q So did he take any pictures of the lights that are in  
5 the area that we're pointing out here to see whether or not  
6 they were working?

7 A I don't know.

8 Q So we don't have any record of whether these lights  
9 were even working that night?

10 A I remember that they were working.

11 Q But we don't have any actual documented evidence that  
12 they were, any pics or anything like that?

13 A No, we don't have a picture for them.

14 Q Okay. Now, step back a second. You said that you --  
15 when you talked to Mr. Bowler, you talked to him about an  
16 incident that had happened between he and Mrs. Gore?

17 A Yes, sir.

18 Q And now you pretty much told him you believed Ms.  
19 Gore, didn't you?

20 A Yes, sir.

21 Q So it was -- in your opinion at the time there was an  
22 incident where my client was alleged to have shot a gun  
23 into the ground?

24 A That's the information that I had received, yes, sir.

25 Q Those are the allegations.

## PHILLIP PERRY - CROSS

1 A Right.

2 Q Now, you testified just a second ago that you didn't  
3 have a whole lot forensically but you had two bullets from  
4 the autopsy; isn't that correct?

5 A Yes.

6 Q Now, if you had two bullets from the autopsy and --  
7 eventually you developed my client as a suspect; isn't that  
8 right?

9 A Right.

10 Q And you had the two bullets that came from Mr. Wray.  
11 Now, if you had the gun that had shot those bullets and  
12 that gun had been used earlier, could you compare the  
13 bullets from the two cases?

14 A I could compare the shell casings, I don't know that  
15 I could compare a bullet to a casing.

16 Q You couldn't compare the rifling on the bullets?

17 A I couldn't compare any of it, it would have to go to  
18 SLED, I think that would be a better question to ask them.

19 Q Yes, sir. But that is the type of thing that you  
20 would gather to send off to SLED for testing; isn't that  
21 correct?

22 A Yes, sir.

23 Q But y'all didn't gather that to here, did you?

24 A I was unable to locate the shell casings at the crime  
25 scene.

## PHILLIP PERRY - CROSS

1 Q So when you went back to Ms. Gore's house, you didn't  
2 see any bullet holes or anything like that in the ground?

3 A I couldn't locate a bullet there.

4 Q Okay. I want to talk to you about a couple of these  
5 interviews that you were talking about. Now, you talked to  
6 Mr. Arthur Jennings; isn't that correct?

7 A Yes, sir.

8 Q Who else was in that interview with you?

9 A Burley McDaniel.

10 Q Is he here today?

11 A No, sir.

12 Q When you and Mr. McDaniel spoke to Mr. Jennings -- you  
13 heard him testify earlier today, didn't you?

14 A Yes, sir.

15 Q Now, do you recall when you spoke to Mr. Jennings that  
16 day that he told y'all that he had had a little bit to  
17 drink?

18 MS. LIVELY: Objection, Your Honor, he's pitting  
19 witnesses. Mr. Jennings was here to testify and his  
20 question on that --

21 THE COURT: Sustained.

22 MS. LIVELY: Thank you.

23 Q So you spoke with Mr. Jennings. Did you believe he  
24 was being completely -- in your opinion having heard him  
25 today and heard him before, did you believe he was being

## PHILLIP PERRY - CROSS

1 completely credible today?

2 MS. LIVELY: Your Honor, I would just object to him  
3 talking about --

4 THE COURT: Sustained.

5 MS. LIVELY: Thank you.

6 Q And now you testified today that the other witnesses  
7 that were in the car were not very cooperative?

8 A No, sir, not really.

9 Q Didn't they come in willingly?

10 A Well, they did.

11 Q So they voluntarily talked to you and gave you their  
12 stories?

13 A They did.

14 Q Same thing with Mr. Bowler, correct?

15 A Yes, sir.

16 Q Okay.

17 MR. JONES: One second, excuse me, Your Honor.

18 (Break in proceedings.)

19 Q All right. Mr. Perry, or Investigator Perry, you  
20 mentioned when you got to the scene there were a number of  
21 people out there already.

22 A Yes, sir.

23 Q You weren't able to secure statements from anyone  
24 else?

25 A No, sir, not at the scene I wasn't.

## PHILLIP PERRY - CROSS

1 Q Did you guys follow back up with any of these people?

2 A I did. I went back and talked to several people in  
3 the neighborhood but they would not provide a statement.

4 Q And so you were not able to get any written statements  
5 from any of the other witnesses.

6 A No, sir.

7 Q And you sent you do-rag off for testing?

8 A Yes, sir.

9 Q And you saw Mr. Bowler with that do-rag?

10 A I did not see him, Henry Hamacher saw him.

11 MR. JONES: Thank you. No further questions.

12 MS. LIVELY: That's all from the State regarding this  
13 witness.

14 THE COURT: All right, ladies and gentlemen of the  
15 jury, it's a little after 12:30, let's go ahead and take  
16 our lunch recess for today. I want you back in your jury  
17 room at 2:00 p.m. Please do not talk about the case with  
18 anybody including yourselves or anybody else or try to read  
19 anything or do any independent research, have a good break.  
20 Wait before you go, Ms. Sinclair, is that you? I'm  
21 appointing you the forelady of the trial jury. It's going  
22 to be your -- thank you for volunteering. It's going to be  
23 your duty to preside over deliberations in the jury room  
24 when you start -- when you're able to start deliberating.  
25 You'll also be the jury spokesperson here in court. It

## HENRY HAMACHER -- DIRECT

1 will be your sole duty to write the verdict on the verdict  
2 form, and although you're the only one who can write on the  
3 verdict form, you can't do that until y'all have reached a  
4 unanimous verdict, and I'll give you more instructions  
5 about that later on. Again, thanks for volunteering,  
6 appreciate that. Have a good lunch, see you back at 2:00.

7 (The jury left the courtroom and a lunch recess was  
8 Taken.)

9 (The jury returned to the courtroom.)

10 THE COURT: All members of the jury are present.

11 Madam Solicitor, you can call your next witness.

12 MS. LIVELY: Yes, thank you, Your Honor. The State  
13 calls Henry Hamacher to the stand.

14 The witness, HENRY HAMACHER, was first duly sworn and  
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MS. LIVELY:

18 Q Mr. Hamacher, where did you used to work back in 2010?

19 A I'm a retired sheriff's deputy from Chester County, I  
20 retired back in 2013.

21 Q Were you working on the weekend of September 8, 2010  
22 regarding an incident that occurred where Faris Wray was  
23 shot in the Town of Chester?

24 A Yes, ma'am. I remember that case -- I wasn't working  
25 that particular case but I was working that day, yes,



## HENRY HAMACHER - DIRECT

1   ma'am.

2   Q     And what exact involvement did you have in regards to  
3   the defendant, Jock Bowler, in that particular case?

4   A     He had heard that the police were looking for him and  
5   he wanted to come in and make a statement, and I got  
6   tasked to go pick him up.

7   Q     So you picked up Jock Bowler at -- was it the morning  
8   of September 9th, or do you recall?

9   A     It was the morning after.

10  Q     The next morning? Thank you. Now, whenever you  
11  picked him up and brought him over to -- for an interview,  
12  tell the jury what happened once you got him to where he  
13  needed to be.

14  A     Well, when you get back to the sheriff's office after  
15  you pick him up -- the building has changed. The  
16  detective section used to be out front and there was a  
17  side door, and that side door when you go in that door was  
18  the men's bathroom, the ladies restroom and then the  
19  interview room, and so when we opened the door waiting on  
20  the detectives to come and talk with him he wanted to use  
21  the restroom. So he goes into the men's room and then  
22  they come for the interview, he comes out, he goes with  
23  them. After that I stuck around to get some water and I'm  
24  standing there I said that I needed to use the restroom  
25  too, so I walk into the restroom, and after everything is

## HENRY HAMACHER - DIRECT

1 taken care of I look over in the trash can, there's his  
2 hat that he had on his head inside the trash can.

3 Q Let me back up just for a second. Before Mr. Bowler,  
4 the defendant, went into the bathroom, was he wearing  
5 anything on his head?

6 A He had a white like a do-rag type thing on his head.

7 Q Okay. And then whenever he came out of that bathroom,  
8 was he still wearing this do-rag?

9 A At the time I didn't pay him any attention, but I  
10 know when I went in that same -- I was like, "Why is it in  
11 here?" People don't get rid of their hats, they keep them  
12 with them. And when I seen him again he didn't have it on  
13 but that was in the bathroom.

14 Q All right. I am going to show you what's been marked  
15 as State's Exhibit Number 24. And would you please, if you  
16 could, identify the name on the envelope as well as what is  
17 in that packaging?

18 A Yes, ma'am. The name on the envelope is mine and it  
19 also has his name on it and the date and the time and the  
20 trash can where it was recovered from, and then apparently  
21 that's the same kind of do-rag.

22 Q So whenever you actually retrieved it from the trash  
23 can in the bathroom where Mr. Bowler had just walked out of  
24 and you went in, whenever you retrieved it did you feel it  
25 was important enough to save?

## HENRY HAMACHER - DIRECT

1 A Well, at the time I really didn't know, I just told  
2 somebody.

3 Q Okay.

4 A That's all I did. And they said we'll get it just in  
5 case, and so that's what happened.

6 Q All right. Was that all of your involvement that you  
7 had in regards to this particular case was picking him up,  
8 bringing him to be interviewed and then actually recovering  
9 the do-rag?

10 A Yes, ma'am, that's it.

11 MS. LIVELY: Thank you. Answer any questions that the  
12 defense may have for you.

13 THE COURT: Mr. Jones?

14 CROSS EXAMINATION

15 BY MR. JONES:

16 Q Mr. Hamacher, I don't really have anything for you,  
17 just to touch base on something a second ago. Mr. Bowler  
18 voluntarily came and spoke to you; that's correct?

19 A That's my understanding. He had made arrangements  
20 with someone else, all I did was go pick him up where he  
21 was at.

22 MR. JONES: Yes, sir. I don't have any further  
23 questions, thank you.

24 THE COURT: Thanks you, sir, you may step down.

25 MS. LIVELY: Roger Starnes.

## HENRY HAMACHER - CROSS

1           The witness, ROGER "CHUCK" STARNES, was first duly  
2           Sworn and testified as follows:

3                                 DIRECT EXAMINATION

4   BY MS. LIVELY:

5   Q     Now Mr. Starnes, what is your position at the Chester  
6     County Sheriff's Office?

7   A     I'm their evidence technician.

8   Q     How long have you worked in that capacity?

9   A     One, May of 2015.

10   Q     So 2015. So you're coming up on two years, correct?

11   A     That's correct.

12   Q     Now, tell the jury what the importance is in regards  
13     to being the evidence custodian and what gets submitted to  
14     you?

15   A     Well, when you investigate crimes, I don't care what  
16     type they are, you may collect evidence that may be  
17     presentable in court later, and so we have a system of  
18     evidence lockers where -- I'm going to play as if I'm the  
19     person collecting the evidence -- I will collect the  
20     evidence, put it in some form of protective covering,  
21     write on it who I am, where I got it from, what it belongs  
22     to case number wise and all of that. And then I would put  
23     it inside a given evidence locker which -- I use the term  
24     like an old bus station where they have the key locks that  
25     you could go in and put all of your stuff into, I know the

## ROGER STARNES - DIRECT

1 older people know that but I don't know about some of the  
2 younger people, but you would just deposit the evidence in  
3 it. It has got a key, you would then put the key inside  
4 the evidence locker so that only I would have the ability  
5 to open that locker from that point forward, so I would  
6 put the evidence in a locker. The evidence technician's  
7 job is to go out, collect that evidence, put it into a  
8 controlled environment to where it will be held onto until  
9 such time as it might be needed in court or could be  
10 returned back to whoever it was that we took the evidence  
11 from. So my main job is to make sure that we maintain  
12 custody of any evidence that has been brought in.

13 Q Okay. And do you actually have a case number that you  
14 have actually been handling or you took over for someone  
15 else that's actually case number 201009095?

16 A That's correct.

17 Q So who was actually the evidence custodian, if you  
18 recall, at the time whenever this particular incident took  
19 place?

20 A Amanda Huey.

21 Q So then now you've taken over; is that correct?

22 A Right. It went from Amanda to Barbara Cameron, who  
23 is now a magistrate, to me.

24 Q Okay. So during that period of time, was the same way  
25 of maintaining the integrity of the evidence being used by

## ROGER STARNES - DIRECT

1 each one of you?

2 A Yes, ma'am.

3 Q All right. Now, you provided me with an actual list  
4 of the items as they were submitted for this particular  
5 case number and it has a list of several different item  
6 numbers; is that correct?

7 A That's correct.

8 Q So just to make is easy since I already have one of  
9 these that are marked in evidence I am going to just  
10 question you about this one. This is State's Exhibit 24, I  
11 haven't introduced into evidence yet, how do you have this  
12 one actually listed on your case number?

13 A I think it's probably listed under the bar code, I  
14 think it's 56593 I believe is what the bar code number  
15 that was assigned. And the bar code number -- when we  
16 bring this piece of evidence in we've got this thing call  
17 Law Track, it's an evidence monitoring system, and when we  
18 put the information in it provides us with a one-up number  
19 that we then stick to the piece of evidence so that we can  
20 find it when we need it.

21 Q And I'm looking at your actual report that's reflected  
22 at 56593, which is the white do-rag that we're referring  
23 to. So I am going to show this to you, State's Exhibit 24.  
24 Is this the normal type of protective covering as well as  
25 all the information that you would get once it's been

ROGER STARNES - DIRECT

1 returned from SLED?

2 A Yes, ma'am. It appears -- it's got our initial  
3 envelope that the officer -- Detective Hamacher had used  
4 to include the do-rag. Then it's got some papers that  
5 SLED used once they opened this up to take the do-rag out.  
6 You see several SLED bags in here where it's been back and  
7 forth to SLED several times, which we've got documented  
8 each time. And from what I can tell it is still in the  
9 stuff that came back from SLED except for the day on the  
10 19th of April when we got this thing back around the 20th,  
11 we opened it up and put it so it could be seen by the jury  
12 without having to tear all of this stuff up and have it  
13 out laying loose. So yeah, everything would appear to be  
14 exactly as it would come back from SLED and the way we've  
15 maintained it since we got it in.

16 MS. LIVELY: Your Honor, the State moves to enter  
17 Exhibit 24 into evidence at this time.

18 MR. JONES: No objection, Your Honor.

19 (The do-rag was received a State's 24.)

20 Q Now, I'm going to go into -- so that was items 56593,  
21 State's Exhibit 24. Earlier today we had Detective Perry  
22 discuss the fact that he had actually performed a GSR  
23 residue kit on the defendant, Mr. Bowler. Is that one of  
24 the items that was actually in your possession?

25 A Yes, ma'am. I believe it's the 56592 evidence bar

## ROGER STARNES - DIRECT

1 code number.

2 Q And could you retrieve that one for us?

3 A I have got everything down, it should be numerically  
4 in that bottom box, it should be in there numerically by  
5 bar code number.

6 (Break in proceedings.)

7 Q Mr. Starnes, I'll show you what's been marked as  
8 State's Exhibit 25, which is also listed as item 56592 and  
9 ask if you recognize that.

10 A Yes, this would be what I picked up from SLED. After  
11 it had been introduced into evidence at our department, it  
12 was carried down to SLED. And this is things that were  
13 picked up -- I said I picked it up; I believe someone else  
14 picked this particular one up. But again, that looks like  
15 everything that we would normally see that it comes back  
16 from SLED. And again, we repackaged this on the 13th of  
17 April, that's why I have my initials and the day on there.  
18 And it looks exactly the way it did when we got it back.

19 MS. LIVELY: Your Honor, the State moves Exhibit  
20 Number 25 into evidence at this time.

21 MR. JONES: No objection.

22 THE COURT: Introduced.

23 (The GSR kit was received as State's 25.)

24 Q I'm going to show you what has been marked as State's  
25 Exhibit 26. I'm going to show you State's Exhibit 26,



ROGER STARNES - DIRECT

1 which should be the next line item on your report.

2 A Right. It's 56594, which is --

3 Q I'm sorry -- yes.

4 A And it's listed as being two fired rounds. And  
5 again, everything appears to be the way it would have come  
6 back from SLED. Of course, on the 13th we repackaged it,  
7 it has my seal on there from that.

8 Q Okay.

9 MS. LIVELY: State moves to enter 26 into evidence at  
10 this time.

11 MR. FRICK: No objection.

12 THE COURT: All right, introduced.

13 (The bullets were received as State's 26.)

14 Q I'm going to show you what's been marked as State's  
15 Exhibit 27 line item number 56596, and ask you if you  
16 recognize that as well?

17 A Yes, ma'am. This is the shorts that were brought  
18 back to us from SLED. We repackaged it also on the 13th  
19 per your direction so it could be presented in court. It  
20 appears to be exactly as it was brought back from SLED.

21 Q I'll show you State's Exhibit 28, the same question  
22 regarding that line item.

23 A This was the belt that came back from SLED again from  
24 the hospital, I think it was maybe from the hospital. But  
25 it came to us in its packaging and stayed that way until

## ROGER STARNES - DIRECT

1 we opened it up on the 13th and repackaged it the way you  
2 had wanted for presentation.

3 Q Thank you.

4 MS. LIVELY: Your Honor, State moves 27 and 28 into  
5 evidence.

6 MR. JONES: No objection.

7 THE COURT: Without objection introduced.

8 (The shorts and belt were received as State's 27 and  
9 28.)

10 Q I'm going to show you State's Exhibit 29 and State's  
11 Exhibit 30, and ask if you recognize those?

12 A Yes, ma'am, I do. This is our evidence bar code  
13 number 56598 that had been brought in and we repackaged  
14 again on the 13th per your direction for review by the  
15 jury. It's in the state in which it initially came in.

16 Q Okay. And from the hospital?

17 A Yeah, from the hospital. That came from the  
18 hospital.

19 Q All right.

20 A And if I remember correctly this particular one right  
21 here, which is the bloody shirt, it came out of a  
22 different bar code, because we had a hat and the shirt  
23 packaged together and I believe those too came from the  
24 hospital if I remember correctly. And we repackaged them  
25 on the 13th and that's why you don't see any other

ROGER STARNES - DIRECT

1 packaging here, because we took this out of the other one  
2 and put it here and we couldn't separate the original  
3 packaging from the hospital without tearing that up.  
4 That's why this one is a little bit different than the  
5 rest of them.

6 Q But other than that there was no other alterations or  
7 changes made to the actual items themselves.

8 A The only thing we did was take it out, open it up,  
9 fold it and put it back in here without doing anything to  
10 it other than just that.

11 MS. LIVELY: And that would be State's Exhibit 29 and  
12 Exhibit 30, I move to enter those into evidence at this  
13 time.

14 MR. FRICK: No objection.

15 THE COURT: All right, introduced.

16 (The items were received as State's 29 and 30.)

17 Q All right. Last two items, Mr. Starnes, if you would,  
18 please. This is State's Exhibit 31, item number 56601.

19 A That is the packaging that we had that had both the  
20 shirt and the hat in it that we had opened up, put the  
21 shirt in a bag, put the hat back in a bag for presentation  
22 to the jury. And this is exactly the way it would have  
23 come with the exception of that bag you put in there.

24 Q All right. And then the final item is State's Exhibit  
25 32.

## ROGER STARNES - DIRECT

1 A Okay. This is a pair of pants that also came from  
2 the hospital that we opened, this is the original  
3 packaging and we put it inside this for presentation.

4 Q Okay. Thank you.

5 MS. LIVELY: Your Honor, State moves Exhibits 31 and  
6 32 into evidence at this time.

7 MR. FRICK: No objection.

8 (The shirt and jeans were received as State's 31 and  
9 32.)

10 Q Now, Mr. Starnes, since that time and you coming here  
11 today, has that been everything that you actually had  
12 involvement with in this particular case?

13 A That you presented, yes, ma'am.

14 Q Okay. Thank you.

15 MS. LIVELY: Answer any questions that the defense may  
16 have?

17 CROSS EXAMINATION

18 BY MR. FRICK:

19 Q So Mr. Starnes, everything that's before us is  
20 everything that's been collected in this particular case?

21 A It's not everything that's been collected, it's what  
22 has been introduced into evidence.

23 Q Okay. All right. Do you know what else was collected  
24 in?

25 A Yes. There was several other things that was

## ROGER STARNES - DIRECT

1 collected.

2 Q Were there any other shell casings?

3 A Not that I'm aware of.

4 Q Guns?

5 A No, sir.

6 Q Bullets?

7 A No, sir.

8 Q There was some DNA collected at some point, wasn't  
9 there?

10 A There was some -- yeah, that's correct. They did a  
11 buccal swab at one time.

12 Q I think that might be one of the things you were  
13 talking about that's not up here, right?

14 A Yes, sir, that's correct.

15 Q Okay. All right. State's Number 32, did you put any  
16 kind of descriptive thing on that when you wrote it in  
17 there?

18 A Let me see something there, 56599. Okay. This is  
19 what I have currently listed in Log Track. It says  
20 description room 3-100-2-2-3 which tells me where to go  
21 look in my evidence locker to locate this specific stuff  
22 because we have tons of evidence, the more specific you  
23 are the more easier it is to find. This says, "One brown  
24 box containing one white paper bag containing one pair of  
25 jean shorts belonging to the victim Wray, item number

## ROGERS STARNES - CROSS

1 eight for direction of Deputy Solicitor Candace Lively on  
2 13 April, 2017, contents were put in a sealed see-thru bag  
3 for trial presentation." Is that what you were asking me?

4 Q Pretty much. Jean shorts from the victim, right?

5 A Yes, sir. As far as I know, yes, sir.

6 Q Mr. Starnes, number 30, essentially the same thing.

7 A Right.

8 Q What did you describe that as?

9 A Let's find out which one I got here. Okay. I've got  
10 it described as room 3-100-2-2-3. Then I have a BWMBBC  
11 which means box with multiple bar codes, that's my acronym  
12 so when I go to look at stuff sometimes it will have 15 or  
13 20 boxes. Some of those will have a single bar code  
14 number on the outside, some will have multiple. Again,  
15 this helps me narrow down which box I need to grab, so if  
16 it doesn't have multiple bar codes I'm not going to mess  
17 with it. One clear heat sealed bag containing a bloody  
18 white T-shirt taken from evidence bar code number 56601.  
19 Per Deputy Solicitor Candace Lively on 13 April, shirt was  
20 removed from 56601 and put in see-thru heat sealed bag,  
21 which is numbered 62742 for trial presentation. So I had  
22 to account for the bag that we created.

23 Q Do you know where that shirt came from? Where did it  
24 originate from?

25 A It originally came -- I have no idea because I wasn't

## ROGERS STARNES - CROSS

1    there, I just know what it says on the packing and  
2    description that we got in initially.

3    Q    Where did it tell you it came from?

4    A    You would have to let me see it so I can read it.

5    Q    Where is that?

6    A    That would be 56601. Now, your question again, sir?

7    Q    Can you tell or do you know what information were you  
8    given as to where this T-shirt came from?

9    A    It says description location, it looks like in  
10   location bloody shirt.

11   Q    That's it?

12   A    That's what I have on here, and not having been to  
13   the crime scene that's all I can go by.

14   Q    All right, white T-shirt.

15   A    Yes, sir.

16   Q    The thing you're holding in your hand, the last piece  
17   of clothing I am going to ask you about, how do you  
18   describe that?

19   A    It looks like some type of a hat, I don't know if  
20   it's baseball, basketball --

21   Q    I understand. In your description how do you describe  
22   that?

23   A    56601. It's description room 3-100-2-2-3. One brown  
24   envelope containing bloody white T-shirt and red hat item  
25   nine. Per direction of Deputy Solicitor Candace Lively on

## ROGERS STARNES - CROSS

1 13, April of 2017 contents were put in a see-thru bag for  
2 trial presentation. Shirt is in EBC62742.

3 Q Okay. That white T-shirt and that red hat came at the  
4 same package -- that package that's in there?

5 A Yes, sir.

6 Q So they came from the same place.

7 A Yes, sir.

8 Q All right. Red hat. As far as the bullets that were  
9 collected or at least given to you, you don't know what  
10 testing was done, if anything, on them, correct?

11 A No, sir, I don't know. Because I don't generally get  
12 in the reports, that would be in the SLED report if there  
13 was anything done.

14 Q I've got you. And following up on that, just to  
15 clarify, you keep up with the evidence, correct?

16 A Yes, sir.

17 Q You don't go out to the scene and collect it?

18 A No, sir.

19 Q You don't perform any testing.

20 A The only testing I perform would be for marijuana.

21 Q And you didn't do any testing in this case.

22 A No, sir.

23 MR. FRICK: That's all of the questions I have, thank  
24 you sir.

25 THE COURT: Any redirect.



## ROGERS STARNES - CROSS

1 MS. LIVELY: Just one moment Your Honor, I need to  
2 consult with counsel real quick.

3 (Break in proceedings.)

4 MS. LIVELY: Your Honor, may we approach for a second?

5 THE COURT: Yeah.

6 (A bench conference was held.)

7 THE COURT: Any other questions for this witness?

8 MS. LIVELY: Just to clarify one of the issues that we  
9 were discussing and it's one of the things I don't believe  
10 this witness has personal knowledge, but on that particular  
11 envelope that was just mentioned regarding the hat and the  
12 shirt, it does say I-N location, and I've discussed it with  
13 counsel, and I-N location is the terminology that has been  
14 used by previous evidence custodian to mean it was actually  
15 taken from incident location. And we've agreed to  
16 stipulate that the hat and the bloody T-shirt were actually  
17 found on location of the crime scene and were the victim's.

18 THE COURT: Is that correct?

19 MR. JONES: Yes, sir, Your Honor, we do stipulate.

20 THE COURT: Thank you. Ladies and gentlemen of the  
21 jury, the State and the defense has stipulated that fact  
22 that you just heard. A stipulation means that that's not  
23 something you have to consider as to whether it happened or  
24 not, both sides agree that that's a fact that -- the hat  
25 and what else?

## ROGERS STARNES - CROSS

1 MS. LIVELY: The bloody T-shirt.

2 THE COURT: And the bloody t-shirt were found --

3 MS. LIVELY: On the location of the crime scene and  
4 they were the victim's.

5 THE COURT: That's so stipulated?

6 MR. JONES: Yes, sir, it is, Your Honor.

7 THE COURT: That's what a stipulation is, okay? Any  
8 other questions for this witness?

9 MS. LIVELY: Just real quick.

10 REDIRECT EXAMINATION

11 BY MS. LIVELY:

12 Q Defense counsel asked you if I had asked you about  
13 everything single thing that had been collected and  
14 actually submitted to you into the evidence lockers or into  
15 your custody, right?

16 A Right.

17 Q The only thing I told you that you didn't have to  
18 bring was the vile of blood from the victim, correct?

19 A Correct.

20 Q And then the other thing would be just like swabs and  
21 actual vials of the DNA for testing.

22 A Right.

23 Q Is there anything else involving the victim that  
24 hasn't actually been put in relevant to this case at this  
25 time?

## ROGER STARNES - REDIRECT

1 A No, ma'am, there's nothing else.

2 Q So you're not hiding anything from us.

3 A No, ma'am. And to clear up one other thing, if you  
4 go back and check the log-ins thing, when you start  
5 looking at this particular item about the shirt and the  
6 hat just like what you say, in here it says incident  
7 location.

8 Q It does?

9 A It does say incident location.

10 Q Thank you so much for clearing that up.

11 MS. LIVELY: No further questions.

12 MR. FRICK: Nothing.

13 THE COURT: Thank you, sir, you can step down. State  
14 can call its next witness.

15 MS. LIVELY: The State calls Keith Lewis to the stand.  
16 The witness, KEITH LEWIS, was first duly sworn and  
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MS. LIVELY:

20 Q Tell the jury your name, please, sir.

21 A Keith Lewis.

22 Q Mr. Lewis, where are you currently employed?

23 A I'm an investigator for the Sixth Circuit Solicitor's  
24 Office.

25 Q And how long have you worked for the Sixth Circuit in

## KEITH LEWIS - DIRECT

1    that capacity?

2    A     Since January of 2015 when Solicitor Newman got  
3    elected.

4    Q     And before that time what was your profession?

5    A     I was in law enforcement. I started in Fairfield  
6    County in 1977 and I spent about 33 years at the sheriff's  
7    office before I retired.

8    Q     And for the purpose of the jury understanding your  
9    actual involvement in this case, what are your duties in  
10   regards to a Sixth Circuit investigator compared to what  
11   you did before?

12   A     Kind of go over old cases, look for new evidence,  
13   talk to witnesses, serve subpoenas, try to assist the  
14   prosecutors in preparing a case for court.

15   Q     And whenever this case actually kind of came up as one  
16   of the older cases in the office, was this case one that  
17   you actually assisted with?

18   A     It is.

19   Q     And did you have to do some follow-up investigation in  
20   this particular case in order to prepare us for court?

21   A     I have.

22   Q     Tell the jury some of the things that you have had to  
23   do in order for this case to come to court.

24   A     Of course, this case happened in 2010, we have  
25   several older major cases in the circuit, all three

## KEITH LEWIS - DIRECT

1 counties, Solicitor Newman wanted to try to get some of  
2 these cases ready to go to court and get them moved. This  
3 particular case, I went back through the case file, tried  
4 to see if there was any testing that could be done on any  
5 evidence that wasn't done in 2010, see if we could find  
6 any additional witnesses that did not give statements in  
7 2010, and we did.

8 Q All right. And were some of those the witnesses that  
9 we actually heard here in court over the past couple of  
10 days?

11 A Ms. Pauline Caldwell is one. Of course, I  
12 interviewed Arthur Jennings and talked with Dwight Land.

13 Q As follow-ups to --

14 A As a follow-up.

15 Q Now, Mr. Lewis, did you also have the opportunity  
16 after looking at the entire case file to go out to where  
17 the crime scene and the location of the shooting occurred?

18 A I did.

19 Q All right. And tell the jury what it was that you did  
20 and the purpose of you going to the crime scene in  
21 preparation of this case.

22 A Well, after going through the case and trying to get  
23 an idea of what actually happened and where it happened, I  
24 met with the investigators that was involved in this case  
25 after talking to the witnesses, I went back to try to see

## KEITH LEWIS - DIRECT

1 where things occurred at. I also had a map made up to  
2 where we could show the jury where certain things were at  
3 and so it would be a little bit more visible.

4 Q All right. And who actually did the map for you?

5 A I got into contact with the Chester County Emergency  
6 Management System, which is here in Chester, and they have  
7 the software and equipment to where they can pretty much  
8 take the Google Map of a particular area of the county and  
9 they can blow it up and put it on hard print.

10 Q And what type of things did you do and then follow-up  
11 and ask them to put on that map in order to have this  
12 evidence for the jury?

13 A Well, I was able to determine during the  
14 investigation where Ms. Pauline Caldwell live compared to  
15 the store of the crime scene. I also met with  
16 Investigator Burley McDaniel and he showed me  
17 approximately the location of where the body was actually  
18 found at. I also got a general idea of where Arthur  
19 Jennings was standing in his yard talking on the phone.

20 Q And did you provide that information to the emergency  
21 management person who actually did the map for you?

22 A I did. And I also took measurements to kind of give  
23 you an idea of how far away it is.

24 Q All right. Okay. Now, I'm going to show you -- and I  
25 know it is kind of large so I'm going to show you the

## KEITH LEWIS - DIRECT

1 completed map, and ask you if this is the actual map that  
2 was printed out for you with all of the information that  
3 you are now testifying to the Court that you were able to  
4 provide to the emergency management group?

5 A It is.

6 Q It is. And is this a fair and accurate representation  
7 of both the measurements that you took based on interviews  
8 of witnesses as well as the investigative team in this  
9 particular case?

10 A It is.

11 Q All right.

12 MS. LIVELY: I'm going to have this marked. Your  
13 Honor, at this time State moves Exhibit 33 into evidence.

14 MR. JONES: Without objection, Your Honor.

15 THE COURT: All right, it's in evidence.

16 (The map was received as State's 33.)

17 Q All right. Mr. Lewis, would you mind helping me  
18 actually set this up for the jury and have you explain what  
19 it is they're going to be looking at?

20 A (Witness complies.)

21 Q Now, if you would please first of all just so that the  
22 jury can kind of get an idea of where they are, show them  
23 where Odoms Store is.

24 A Okay, this is Odoms Store. What I call the Town of  
25 Chester or the city is back this way, of course this is

## KEITH LEWIS - DIRECT

1 Old York Road, and this is Odoms Store.

2 Q And is there actually a marker on it, a yellow marker  
3 that --

4 A It is, it's also marked as number one.

5 Q Now, what other location did you ask them to  
6 specifically put on this map to help the jury to see where  
7 people were in distances?

8 A Okay. I also met with the Investigator Burley, he  
9 indicated to me that Mr. Wray's body was in this general  
10 area right here and that's marked as number two.

11 Q As number two. And there is the ledger here that  
12 shows what each one is.

13 A It is.

14 Q Now, tell us number three, which is witness Jennings  
15 tell us how you got that information.

16 A After talking with Mr. Jennings I learned that he  
17 lived right in here, I think this is an apartment. He  
18 indicated to me he was outside talking on a cellphone or  
19 talking on the phone, I'm not sure if it was cellphone or  
20 just wireless house phone, but he indicated he was outside  
21 and that he was near the cedar trees. And, of course,  
22 this right here is the cedar tree that's in front of the  
23 apartment, so I just took a general spot close to that  
24 cedar spot and marked it as number three to get a general  
25 idea or measurement of how far he would be approximately



## KEITH LEWIS - DIRECT

1 from where it happened.

2 Q And I am going to show you State's 20 and 21 as well,  
3 which are just kind of the more closer-up picture. And if  
4 you could, just tell them what you're talking about?

5 A This would be the cedar tree that he indicated to me  
6 that he was standing near, and that tree is actually --  
7 you see the top of it right here. And this particular  
8 building here would be this structure here.

9 Q Okay. And that's in State's 20?

10 A Yeah.

11 Q All right. Now, one of the things that you took the  
12 time to do you said was to actually measure distances. Are  
13 those distances actually identified on this particular map?

14 A They are.

15 Q Tell the jury what they are and what they are showing.

16 A What I did is I tried to get somewhere to where we  
17 could always go back to and I went to the very corner of  
18 the store which would be the -- I reckon the north --  
19 yeah, that would be northern end, and I measured from it  
20 to the location that he told me and that's 141 feet. From  
21 the general area here to where the shooting occurred, 156  
22 feet.

23 Q I'll show you State's Exhibit 4. You were talking  
24 about the northern corner of Odoms Store.

25 A That would be this very corner right here where you

## KEITH LEWIS - DIRECT

1 see the gutter coming off the roof.

2 Q Okay. And then heading this way.

3 A Heading that way.

4 Q So it would be like heading from here to there.

5 A Correct.

6 Q Okay. Now, we also have a couple of more identifying  
7 things in the ledger. Will you tell us what identifying  
8 number four is?

9 A Number four is Ms. Pauline Caldwell's house, she was  
10 the lady that testified yesterday, and if you actually  
11 stand on the front porch you can see Odoms Store down the  
12 street. This is pretty much a typical city block.

13 Q All right. So her house was actually that blue house  
14 at the end of Catawba?

15 A Well, it's at the end of Catawba but it's actually on  
16 the Brendale Street.

17 Q I'm going to show you State's Exhibit Number 1, which  
18 is in evidence. And is that the house that you're  
19 referring to?

20 A It is.

21 Q And this is the one from previously --

22 A That would be a view if you were standing up here  
23 looking down the street.

24 Q Okay. All right. Now, finally you have a number five  
25 here, victim destination. Now, where did we -- where did

KEITH LEWIS - DIRECT

1 you get information regarding the victim's destination?

2 A After talking to the witnesses, Ms. Pauline and all,  
3 they informed me, or led me to believe that Faris had come  
4 to go visit a relative that lived off of Fieldcrest, which  
5 is right here. And, of course, if you would cut through  
6 here and a lot of people walk through here to this cul de  
7 sac, a dead end street, you would come out on Roundtree  
8 Circle, which is right here on Parkway. Of course, this  
9 map is blowed up but it's really not that far.

10 Q All right. Now, after you were able to get all of  
11 this information and actually put it on a map, was it  
12 helpful to be able to show the close proximity of all of  
13 these different witness accounts in this particular case?

14 A Well, I think it would be just to help everyone that  
15 did actually see everything in one place.

16 Q Okay. Thank you, you can have a seat. Now, Mr.  
17 Lewis, whenever you followed up with different witnesses in  
18 this particular case that had been involved in the initial  
19 investigation, what kind of reaction did you get from  
20 people regarding their willingness to come in and testify?

21 A Well, not only in this case but I've been doing this  
22 a long time and I've been in charge of investigations and  
23 narcotics in Fairfield County, I was the chief deputy for  
24 about 14 years, a lot of people just don't want to get  
25 involved for different reasons. Mostly people are scared

KEITH LEWIS - DIRECT

1 of retaliation.

2 Q Okay. Whenever you went out to the scene and were  
3 actually walking around and observing the area, what is  
4 that area like in regards to if you had to actually  
5 investigate a crime scene?

6 A Well, of course, Odoms Store is a convenient store,  
7 apparently it's a liquor store also. There's a lot of  
8 debris, a lot of litter, bottles, glass bottles, liquor  
9 bottles that's been throwed against the railroad tracks,  
10 plus there is a lot of trash, it would be hard to work  
11 that crime seen to find evidence.

12 Q And while we were out there and while you were  
13 observing, were there a lot of people coming and going?

14 A Constantly people coming and going, walking and  
15 coming right through that pathway from Roundtree Circle.

16 Q I know that obviously it was six and a half years  
17 later that you actually went there, but you've worked  
18 here -- or been around Chester for quite some time as well  
19 too; isn't that correct?

20 A It is.

21 Q So you're familiar with that area.

22 A I am.

23 Q So has it substantially changed in any way since the  
24 time of this particular shooting if you recall?

25 A It's hard to say. It pretty much looks like it has

## KEITH LEWIS - DIRECT

1    been that way for a good many years.

2    Q    All right. You testified that you actually followed  
3    up and were able to talk to a witness who hadn't been  
4    interviewed before, and that being Pauline Caldwell; is  
5    that right?

6    A    Yes, sir.

7    Q    Did you have to serve her with a subpoena to be here?

8    A    I served I think everyone that was here except the  
9    retired deputy that just got through testifying a few  
10   minutes ago, everyone else I served a subpoena on.

11   Q    And then in regards to follow-up testing of evidence  
12   for this particular case, if there was anything additional  
13   that needed to be done would you have been the one that  
14   could have done it?

15   A    I could have had it done, yes.

16   Q    You could have had it done. Is that what the purpose  
17   of you coming in and looking over these cases is to do?

18   A    It is.

19           MS. LIVELY: Thank you. Answer any questions that the  
20   defense might have for you.

21                           CROSS EXAMINATION

22   BY MR. JONES:

23   Q    So Investigator Lewis, a lot of these pictures we've  
24   seen today, those are pictures that you took, correct?

25   A    Myself and Ms. Lively.

## KEITH LEWIS - CROSS

1 Q Yes, sir. So like that marker that was on the ground,  
2 that's a marker that you placed.

3 A I placed that marker there based on what  
4 Investigator -- or Major Burley McDaniel told me.

5 Q Yes, sir. And this was a conversation y'all had years  
6 after the initial incident; isn't that correct?

7 A That is correct.

8 Q And so those pictures aren't pictures based on your  
9 observation of a crime scene, but someone else's  
10 recollection years down the road.

11 A That is correct.

12 Q Yes, sir. Just to clarify, when you talked to Mr.  
13 Jennings and that marker, where he was and where the marker  
14 is for the body you said was about 166 feet away?

15 A Yes, sir.

16 MR. JONES: No further questions, thank you.

17 REDIRECT EXAMINATION

18 BY MS. LIVELY:

19 Q And just real quick follow-up. In regards to 166 feet  
20 away, just for the jury to understand, about how far is it  
21 in this courtroom from corner to corner?

22 A I would say about 75 feet, but I definitely know it's  
23 53 feet from this seat to that front wall.

24 Q And you actually measured that, correct?

25 A I did.

## KEITH LEWIS - REDIRECT

1 Q So 53 feet from where you're sitting to the very back  
2 wall.

3 A Yes.

4 MS. LIVELY: Okay, thank you.

5 THE COURT: Thank you, sir, you can step down. The  
6 State can call its next witness.

7 MS. LIVELY: Your Honor, that's all of the witnesses  
8 for today. Tomorrow I have the pathologist as well as our  
9 SLED witnesses coming in, which, you know, I have to  
10 schedule because of their prior requirements. So Your  
11 Honor, that's all the State has for today.

12 THE COURT: All right. So the State -- okay, got you.  
13 All right. Ladies and gentlemen of the jury, as you heard  
14 the solicitor say -- you know, trials are all about trying  
15 to get the timing right again to make it as less  
16 inconvenient on you as possible, I apologize for that, it  
17 just is what it is. I do anticipate having a full day  
18 tomorrow, so the good news is we're done for the day, okay?  
19 So having said that, however, I'll give you the same  
20 instruction at the end of today right now that I did  
21 yesterday, you're not to listen to any news reports, read  
22 any news reports or talk to anybody about this case. Don't  
23 do any independent research on this case. You can only go  
24 by the evidence received in this courtroom and the  
25 testimony received in this courtroom, okay? Y'all have a

1 wonderful evening, y'all be in your jury room tomorrow  
2 morning -- what time do you have them being here?

3 MS. LIVELY: I've told them to get here by 9:00.

4 THE COURT: Give them a moment to get ready and stuff,  
5 so y'all be in your jury room at 9:30, okay? Have a  
6 wonderful evening, see you tomorrow.

7 (The jury left the courtroom.)

8 THE COURT: Anything else for the record?

9 MS. LIVELY: Not from the State.

10 MR. JONES: Nothing from the defense.

11 THE COURT: We're in recess until tomorrow.

12 (Court recessed for the evening and resumed at 9:30  
13 A.m. on Wednesday, April 26, 2017.)

14 THE COURT: Everyone is here. Any issues before we  
15 bring out the jury?

16 MS. LIVELY: Your Honor, just one brief thing.

17 Yesterday afternoon I was approached by defense counsel who  
18 told me that they learned one of the jurors who I believe  
19 is actually our forelady, a family member, like I think a  
20 father-in-law once removed or something, I don't know, but  
21 anyway they were able to determine that she had actually  
22 had a relative who was a victim of murder. When we started  
23 questioning that fact and looked at her age it happened  
24 back in, I believe, 1986, so when we looked at how old she  
25 would have been she would have been a very young child. So



1 for her -- we believe, the State does, that even bringing  
2 her out here and asking her about that, we don't want to  
3 make her feel like she's being pulled out for any kind of  
4 reason that she did something wrong, we don't even think  
5 there's a likelihood that she may have known about this.  
6 They pulled some indictment for whenever someone was  
7 charged in the murder, and we just want to be sure that  
8 under the circumstances the Court was aware of it and put  
9 it on the record. The State has no concerns and doesn't  
10 believe that she needs to be questioned, and I believe that  
11 the defense at this point in time has the same position.

12 THE COURT: Mr. Frick?

13 MR. FRICK: Your Honor, it had come to our attention  
14 that juror number 117, Brenda Sinclair, her husband's  
15 parents back in 1986 had the situation, apparently the  
16 mother killed father but it was in, I think, January of  
17 1986. Looking at the jury list Ms. Sinclair is 35 years of  
18 age, would have been extremely young, obviously would not  
19 have been related to these folks at the time. I will tell  
20 you in all candor the affiant on the warrant was Freddie  
21 Stewart, we talked with him about the case yesterday, we  
22 talked with the prosecution on this as well and we all  
23 conclude that this question was voir dired I think about  
24 three different times, she did not respond to it. I don't  
25 know that it would be worth while to explore it any further

1 but I think it is important to note it for the record and  
2 we did track down the warrant for this matter and just  
3 putting it on the record.

4 THE COURT: All right, so noted. Yeah. As far as  
5 voir dire I asked had any of you or a member of your  
6 immediate family ever been charged with or been the victim  
7 in a case involving murder or manslaughter and I asked it  
8 that way. I also asked if any member had been a victim of  
9 a crime or had a family member or a friend murdered or  
10 killed by another person, or the -- and been the victim of  
11 a crime. So, you're correct, there's three different ways  
12 that I asked that, there was no further response. And I  
13 also asked the all encompassing question anybody have any  
14 moral or religions or philosophical reason why they cannot  
15 be a fair and impartial juror, and of course, there was no  
16 response to that along with -- I asked pretty much every  
17 voir dire question proposed by both the defense and the  
18 State.

19 MR. FRICK: Yes, sir.

20 THE COURT: Okay. Well, that's noted for the record  
21 then, I'm not going to take any action as far as further  
22 interrogating that juror, I don't want to risk spoiling the  
23 jury since we've already interrogated two jurors. All  
24 right. Anything else before we bring the jury out?

25 MS. LIVELY: Nothing from the State, Your Honor.

1 MR. JONES: Nothing from the defense, Your Honor.

2 THE COURT: Let's bring them out.

3 (The jury returned to the courtroom.)

4 THE COURT: All members of the jury are present. Good  
5 morning, ladies and gentlemen, I hope you had a nice  
6 evening. The State may call its next witness.

7 MS. LIVELY: Your Honor, the State recalls Captain  
8 Phillip Perry to the stand.

9 THE COURT: All right, sir, you're still under oath.  
10 The witness, PHILLIP PERRY, remained sworn and  
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MS. LIVELY:

14 Q All right. Thank you, Captain Perry. We've been  
15 talking this morning about a few matters regarding some  
16 evidence that was introduced and is actually in the Court  
17 as evidence in this particular case, right?

18 A Yes, ma'am.

19 Q All right. So a couple of things that you sent off  
20 for testing. You sent off the actual projectiles that were  
21 removed from the victim, Faris Wray, at the time of the  
22 autopsy; is that right?

23 A Yes, ma'am.

24 Q Now, whenever you sent off those items to be tested at  
25 SLED, did you have any -- did you ever find a weapon or

## PHILLIP PERRY - DIRECT

1 anything that could be used to compare to the bullets that  
2 were actually sent?

3 A No, ma'am, we didn't find the weapon.

4 Q I'm going to have this mark as State's Exhibit 34. Is  
5 this the report that you received from SLED regarding the  
6 projectiles or bullets that had been removed from the body  
7 of Faris Wray at the time of autopsy?

8 A Yes, ma'am, it is.

9 MS. LIVELY: Your Honor, the State would move to enter  
10 34 into evidence at this time.

11 MR. JONES: Without objection, Your Honor.

12 THE COURT: Introduced.

13 (The report was received as State's 34.)

14 Q And Detective Perry, based on the information that you  
15 received from SLED regarding the type of projectiles  
16 removed from the victim's body for this case against the  
17 defendant, what type of murder weapon were you looking for?

18 A A 380 caliber handgun.

19 Q And once again, were you ever able to recover any type  
20 of weapon to compare it to those bullets?

21 A No, ma'am.

22 Q All right, thank you. I'm going to show you another  
23 document. All right. Detective Perry, let me show you  
24 State's Exhibit Number 35 and ask you if you recognize that  
25 report?

## PHILLIP PERRY - DIRECT

1 A Yes, ma'am.

2 Q Now, I actually asked you about this briefly  
3 yesterday, whenever you received the do-rag from Henry  
4 Hamacher that he retrieved from the waste basket, what did  
5 you do with that do-rag?

6 A It was entered into our evidence. It was sent to  
7 SLED originally to be tested for gunshot residue, it was  
8 processed at their lab and returned back to our evidence  
9 vault, and then later it was sent back to SLED to be  
10 tested for DNA.

11 Q Okay. So to be clear originally the do-rag was sent  
12 off for a gunshot residue test?

13 A Yes, ma'am.

14 Q That's not what that report is that you have in front  
15 of you now, right?

16 A No, ma'am.

17 Q Was the gunshot residue test at the time close in time  
18 to whenever the shooting took place?

19 A Yes, ma'am.

20 Q Okay. So this particular -- what's the date of that  
21 particular report that you have right now?

22 A This report was sent on April 13, 2017.

23 Q And in order to actually send the do-rag back to SLED  
24 for additional testing, what type of procedure did we have  
25 to do on the State's end in order to do that?

## PHILLIP PERRY - DIRECT

1 A We had to obtain a DNA swab which we called a known  
2 standard from Mr. J. C. Bowler.

3 Q Was that done?

4 A Yes, ma'am, it was.

5 Q And as a result of that -- this is what I asked you  
6 yesterday -- after sending all of that off you got that  
7 report, and does the report provide any information  
8 regarding any type of DNA connection or -- I hate to use  
9 the word match because we're not supposed to use that word,  
10 that terminology, but something that connects the do-rag  
11 back to the defendant?

12 A No, ma'am.

13 MS. LIVELY: All right. Your Honor, at this time the  
14 State would introduce State's Exhibits Number 35 into  
15 evidence.

16 MR. JONES: Without objection, Your Honor.

17 THE COURT: Introduced.

18 (The report was received as State's 35.)

19 MS. LIVELY: Thank you. Answer any questions the  
20 defense may have regarding these matters?

21 THE COURT: Mr. Jones?

22 CROSS EXAMINATION

23 BY MR. JONES:

24 Q Detective Perry, I don't have a whole lot of questions  
25 for you. Just real quick, though, going back to State's

## PHILLIP PERRY - CROSS

1 Exhibit 35, look at this DNA report, I mean, look at the  
2 results here. What does it say?

3 A Referring to the first line here?

4 Q Yes, sir.

5 A The DNA profile developed from item 2.2. is a mixture  
6 of at least three individuals. Due to the inability to  
7 calculate a statistic no further interpretation will be  
8 offered.

9 Q Yes, sir. But it says there's three different  
10 people's DNA on there?

11 A Yes, sir.

12 Q So it's three different people.

13 A That's correct.

14 Q And now, going back to State's Exhibit 34. Right here  
15 just really where it talks about the firearm for what kind  
16 of firearm does that say?

17 A 380 caliber possibly manufactured by Highpoint  
18 firearm, but it also says this list is not all inclusive.

19 Q So it's likely to be a 380 caliber from an automatic  
20 Highpoint firearm?

21 A Yes, sir.

22 Q So now if a bullet is shot from an automatic firearm,  
23 how does it come out? Does it typically produce a shell  
24 casing?

25 A It's ejected from the firearm.

## PHILLIP PERRY - CROSS

1 Q So the shell casing is ejected from the firearm if a  
2 380 automatic is fired.

3 A That's correct.

4 Q And if a 380 automatic is fired you would expect to  
5 find some shell casings around the area?

6 A They should be there, you don't always find them.  
7 There's a number of things that can happen to cause you  
8 not to be able to find them.

9 Q But say if someone went outside of a residence and  
10 shot a gun into the ground, you would expect to find a  
11 shell casing nearby?

12 A Yes, sir.

13 MR. JONES: Thank you, no further questions.

14 THE COURT: Thank you, sir, you can step down. The  
15 State can call your next witness.

16 MS. LIVELY: Yes, sir, Your Honor. The State calls  
17 Craig Hart to the stand.

18 The witness, CRAIG HART, was first duly sworn and  
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MS. LIVELY:

22 Q Dr. Hart, where do you currently work?

23 A I currently work for a group called York Pathology  
24 Associates, it's a group of pathologists. Our main office  
25 is in Rock Hill, but we also have offices in Chester and



## CRAIG HART - DIRECT

1 Lancaster at Springs Memorial and Chester Regional Medical  
2 Center, and also we do help with forensics in Chester  
3 County and York County.

4 Q And how long have you been in the field of pathology?

5 A I've been working here coming up on ten years on July  
6 1.

7 Q Okay. And what is your educational background?

8 A The educational background is I'm a physician, a  
9 doctor, an M.D. I did regular undergraduate experience at  
10 Chapel Hill, North Carolina, a Bachelor of Science. I  
11 then followed up with four years at medical school where I  
12 received my medical doctorate. Following that I entered  
13 what's called a residency program where you pick your  
14 field of specialty, what you want to do when you grow up  
15 per se, and I chose pathology, I'm sure we will go to in a  
16 minute what that is. And I went to four years of  
17 residency in pathology at UNC School of Medicine, or the  
18 hospital system there. I followed that by a year of a  
19 fellowship there, and that all ended in 2007 when I moved  
20 to Rock Hill and obtained the job I'm currently working.

21 Q And how many autopsies have you performed up to this  
22 date?

23 A I don't have a definite number, but it's over 500.  
24 I've been working here as a coroner -- I'm sorry, not as a  
25 coroner, I've been working here as a forensic pathologist

## CRAIG HART - DIRECT

1 working with the coroner in York and Chester Counties for  
2 about ten years. I would say we have between 120 and 150  
3 cases a year, I split those three ways with a couple of  
4 other pathologists so those numbers added up. Prior to  
5 that as I was in my residency training I worked -- I  
6 moonlighted on the weekends for the Chief Medical  
7 Examiner's Office in North Carolina, I would work on the  
8 weekends, get some extra experience and extra money when I  
9 needed it. And the experience I got there was what was  
10 the main push towards where I am today. I really enjoyed  
11 the job that I have today where I get to do certain  
12 pathology and forensic pathology. I worked for the chief  
13 medical examiner in North Carolina for about four years  
14 moonlighting and doing cases that, after that experience,  
15 I had, you know, at least 100 cases under my belt, several  
16 of them were homicides.

17 Q Okay. And have you ever actually come into court and  
18 testified?

19 A Yes, several times I have testified.

20 Q Have you ever been qualified as an expert in the field  
21 of pathology when you testified?

22 A Yes, I have.

23 MS. LIVELY: Your Honor, at this time the State moves  
24 to have him entered as an expert in the field of pathology.

25 MR. JONES: Without objection, Your Honor.

## CRAIG HART - DIRECT

1 THE COURT: All right, thank you. Without objection  
2 so qualified. Ladies and gentlemen, I have just qualified  
3 this witness as an expert in the field of pathology.  
4 Normally when a witness testifies they can only testify as  
5 to what they saw, witnessed, heard, smelled or something of  
6 that nature, however there's an exception for witnesses  
7 which we call expert witnesses. Expert witnesses, because  
8 of their training, their level of education or a  
9 combination, or their experience in a particular field can  
10 offer opinions on certain facts. Now, just because an  
11 expert offers an opinion doesn't mean you have to accept an  
12 expert's opinion. You consider all of this whenever you  
13 consider all of the evidence and give it the weight and  
14 credibility you believe it deserves, okay? Go ahead.

15 MS. LIVELY: Thank you, Your Honor.

16 Q Now, Dr. Hart, did you have an opportunity in  
17 September of 2010 to perform an autopsy on the deceased,  
18 Faris Wray?

19 A I did.

20 Q And whenever you actually got the order -- or how does  
21 something like that actually come to you for you to  
22 actually take on that procedure?

23 A Generally speaking we get a call from the coroner's  
24 office, either the coroner or corner deputy corner,  
25 they'll tell us about the situation where a death has

## CRAIG HART - DIRECT

1 occurred and they're requesting an autopsy either for  
2 gathering evidence purposes or to determine the cause of  
3 death, and at that time we'll set the time, usually later  
4 that day, to perform the case. And then often times while  
5 we are there there's people present who are up and  
6 collecting evidence and such.

7 Q And you touched on a little bit about what the purpose  
8 of your job is whenever you said that to determine cause of  
9 death and things like that, is that kind of the overview of  
10 the field of pathology in a nutshell as looking at the body  
11 and making these determinations?

12 A Correct, that's a small part of what we do. But yes,  
13 one of the main parts we do for forensic purposes is to  
14 perform an autopsy, which is an examination of a body.  
15 Often times a body will come to us as they found it at the  
16 scene, we don't often times go to the scene, that's  
17 performed by the investigators and the coroners, and they  
18 will bring the body to our morgue. In the morgue I'll do  
19 a full external examination where I document every little  
20 piece of iota of things that I can see to make sure it's  
21 all documented. If he has any clothing on at the time  
22 I'll write that down what kind of clothing he had, if he  
23 had any tattoos I would write down every little tattoo and  
24 I would we document those. Often times we have somebody  
25 with us -- in this particular case Detective Perry was

## CRAIG HART - DIRECT

1 with me at the autopsy, he was taking pictures, so he's  
2 taking pictures to document the evidence while I'm  
3 describing things, I write it on a little board and then,  
4 you know, I make it into a report afterwards. So we start  
5 with an external examination where I document every injury  
6 I see externally to every minute detail to try to get  
7 birthmarks and any kind of scars or abrasions or things  
8 that -- colors of your eyes, hair, even beard. So a lot  
9 of it sometimes is just descriptive things just so we can  
10 make sure we identify the right body and we know who it  
11 is, you've got the right tattoos in the right places and  
12 that kind of thing, but also what we're doing is we're  
13 looking for any evidence of external trauma. Once we open  
14 a body up then we're going to see all the trauma on the  
15 inside, we want to make sure that matches what we see on  
16 the outside as far as any bruises, lacerations or cuts, I  
17 would need to have an explanation for those once I got on  
18 the inside.

19 Q And you document all of that in your report; isn't  
20 that correct?

21 A Every little scrap. So at that point we do a Y  
22 incision on the chest, then we examine all of the organs.  
23 In this situation there was some bullet wounds so we were  
24 making sure we were documenting the path of those bullet  
25 wounds, as I want to make sure where a bullet enters the

## CRAIG HART - DIRECT

1 body, I know every single little step along the way where  
2 it goes and where it ends up. If it's going to be there  
3 in the end I want to retrieve that bullet carefully and  
4 give it to the authorities so they can take it away and do  
5 ballistics and that kind of stuff on it.

6 Q And I want to stop you right there --

7 A Sure.

8 Q -- because I want to break down what your findings of  
9 external injuries are for the jury so that they can see  
10 each one.

11 A Absolutely.

12 Q So let's just back up for a minute. Did you have the  
13 exact date and time of Mr. Wray's death provided to you?

14 A I'm sure it was discussed on the phone when the  
15 coroner called, I usually ask for that information, I  
16 usually write it down in my report. Sometimes there's  
17 a -- I just get kind of a general idea. Sometimes what we  
18 write down is our date of death and time is like when  
19 we're trying to go in with the jury, other times we put  
20 when it was pronounced dead, that it was declared by  
21 whoever pronounced him dead.

22 Q Do you know when he was pronounced dead?

23 A Because of records that were provided to me after the  
24 case, medical records that we often times will review just  
25 to make sure everything is kind of in sync with what we

## CRAIG HART - DIRECT

1    were seeing, I don't remember, but I don't think that I  
2    reviewed the medical records prior to the autopsy, I don't  
3    usually do that. So they'll provide me the medical  
4    records afterwards and I will just review them and make  
5    sure everything fits with my report. And on one of those  
6    pages in the medical record it does say when his date of  
7    death was pronounced in time.

8    Q    And what was that?

9    A    I'm sorry. It was on September 8th, 2010 at 23:00.

10   Q    So 11:00 p.m. is that right?

11   A    Oh sorry, pronounced at 22:37, I apologize, I was  
12   looking at the date and time that he signed the document.  
13   22:37, specifically 11:37 p.m. That's 10:37, I'm sorry,  
14   I'm not very good with military time.

15   Q    It's okay. So whenever the body came to you on  
16   September 10, 2010 you've already testified that Detective  
17   Perry was actually there in the room. Now, was he the one  
18   taking the pictures at the time of autopsy?

19   A    Yes.

20   Q    And have you had an opportunity to see those pictures?

21   A    I have seen them, yes.

22   Q    I'm going to show you State's 15 through 19 and just  
23   tell me if you recognize these photos. And we're not going  
24   to talk about them yet, but just tell me if you recognize  
25   those from the autopsy?

## CRAIG HART - DIRECT

1 A I recognize these photos, yes, from the case.

2 Q Okay, thank you.

3 MS. LIVELY: Your Honor, at this time the State moves  
4 to enter 15 through 19 in evidence.

5 MR. JONES: With prior objection, Your Honor.

6 THE COURT: Okay. Overruled and introduced.

7 (The photos were received as State's 15-19.)

8 Q Before we talk about the specific injuries of Mr.  
9 Wray, whenever you -- at the time that you're actually  
10 doing the autopsy you just now mentioned that you would not  
11 necessarily have all of the medical records regarding the  
12 deceased, okay?

13 A Correct.

14 Q So when you're looking at the body in front of you,  
15 then have you had any other information as to what possibly  
16 was the demise of this person?

17 A You know, I tried to come at it with a blank slate  
18 because I don't want to be influenced. But of course, you  
19 know, when they come in this situation, obviously there  
20 was -- he had been shot, there were bullet wounds and so I  
21 know that that was going to be what we were investigating.

22 Q Okay. And once again you put everything in your  
23 autopsy report to document your findings, correct?

24 A Correct.

25 Q And you have your report with you today to refer to?



## CRAIG HART - DIRECT

1 A Yes, I do.

2 Q Now, as for your report, how do you divide up your  
3 findings in the report?

4 A My report is usually laid out with the most pertinent  
5 stuff at the beginning, my final diagnosis so to speak,  
6 what I found was the cause of death, and then I will get  
7 into a little bit of the clinical history of what I heard  
8 at the time. That's definitely hearsay, you know,  
9 provided to me by people -- either Detective Perry at the  
10 time or the coroner on the phone, I can't remember which  
11 was my source, but it's just information that they  
12 provided me at the time. And I tried to limit what I put  
13 of that in my report because that's not what I'm  
14 investigating obviously. Then I will have the external  
15 examination where I will go through all of the little  
16 external findings that I find, and then I'll do the  
17 evidence of injury where I list every little detail about  
18 every little bullet wounds in this case that I found.

19 Q So we're going to talk about the evidence of injury  
20 now that is actually your findings in your report. Please  
21 tell the jury what evidence of injury you documented to the  
22 deceased, Mr. Wray.

23 A So for Mr. Wray there were technically four bullet  
24 wounds, however I felt pretty certain that two of the  
25 bullet wounds lined up and were likely caused by one

## CRAIG HART - DIRECT

1 trajectory, so a minimum of three bullet wounds and a  
2 maximum of four bullet wounds. And I went into detail of  
3 every aspect of every little bit of where each one of  
4 those are, the measurements, how big around it is, where  
5 it is on the body, any kind of tears, or abrasion collar  
6 is what we call them, which is something that help me  
7 describe what an entrance wound is versus an exit wound,  
8 and I can kind of demonstrate that for you if you need me  
9 to.

10 Q And would the pictures from the autopsy help you to  
11 describe to the jury your ability to determine  
12 trajectories, why the projectile ended up where it did and  
13 just some other things that you're -- conclusions that  
14 you're trying to come up with in the case?

15 A Yes.

16 Q All right.

17 MS. LIVELY: Your Honor, at this time I'm going to ask  
18 if the witness can step down, I'm actually going to publish  
19 the photos at this time to the jury, I just want to give  
20 them a heads-up before we do that.

21 THE COURT: All right. Previous objection noted.  
22 Sir, if you could step down. Let me see y'all up here real  
23 quick as well.

24 (A bench conference was held.)

25 Q I'm going to have you stand here, Dr. Hart, just

## CRAIG HART - DIRECT

1 because this is where the microphone is.

2 A Let me grab this.

3 Q Sure. Now, what I'm showing you here is State's  
4 Exhibit Number 15, which is already in evidence. If you'll  
5 please explain to the jury what this evidence of injury is  
6 here and how you documented it in your report?

7 A Sure. And what you're seeing here is the decedent  
8 laying on our morgue table. It's just a close-up wound --  
9 I'm sorry, a close-up picture of a gunshot wound in the  
10 right lower abdomen right here, and you can see a little  
11 bit of an incision up in the top left corner that was done  
12 trying to as a resuscitative measure where they were  
13 trying to save his life to evacuate some blood from his  
14 left chest cavity. This bullet wound here, we don't need  
15 to go into all of the different measurements of how far  
16 down it is from the head or how we document where it is  
17 the, but the important thing we recognize, this as an  
18 entrance wound, and we can tell the difference between  
19 entrance wounds and exit wounds based on how they look on  
20 the body. In most cases you can tell just by looking at  
21 them once I've cleaned away the blood and we made sure  
22 that there was no gunshot residue around it or powder  
23 wounds, which there weren't in this case. If I use that  
24 thing I can explain how I know the difference between an  
25 entrance wound from an exit wound.

## CRAIG HART - DIRECT

1 Q Actually I will ask you to do that in just a minute  
2 when you show the other wounds if you don't mind.

3 A This is an entrance wound.

4 Q And Dr. Hart, you mentioned -- because I asked you  
5 about the spot up at the top right corner, that has nothing  
6 to do with what you did in your autopsy, correct?

7 A No, ma'am. That was present when we received the  
8 decedent and it was something that was performed by the --  
9 I don't know, by someone who was trying to save his life.

10 Q Okay. Now, in regards to that particular entrance  
11 wound, was there -- did you find an exit wound for that  
12 particular projectile?

13 A No, ma'am.

14 Q What did you get as a result of your autopsy whenever  
15 you followed the trajectory of that projectile?

16 A The projectile here enters the belly, that's  
17 obviously done here in the right lower abdomen, it  
18 perforated some portion of the intestine, which is the  
19 colon that food moves through. It also grazed the -- I'm  
20 sorry, it perforated the lower fold of the right kidney,  
21 which is kind of in the back lower -- about right about in  
22 here. So it came through the intestine, hit some of the  
23 kidney, it went through some more of the mesentery, the  
24 things that keeps the intestine together. It grazed the  
25 spleen, which is over on this side so we're kind of moving

## CRAIG HART -- DIRECT

1 from this way up to this way. It went through the  
2 diaphragm, which is a muscle that we use in here to inflate  
3 and deflate our lungs, and then it actually hit the lungs  
4 over here on the left side. It specifically hit the left  
5 lower lung lobe and the tip of the left upper lung lobe  
6 because it overlapped, it hit two of them. The bullet  
7 itself then did exit the thoracic cavity between the ribs  
8 back here, number seven and eight laterally, and then it  
9 came up to the skin surface but it did not exit the skin.  
10 So the projectile was found at that location and was  
11 removed carefully and submitted for evidence.

12 Q So that was one of the actual bullets that you were  
13 able to see and retrieve from the body.

14 A Correct.. And also associated with this wound was  
15 approximately a liter of blood in the stomach, or not in  
16 the stomach but in the peritoneal cavity, this cavity  
17 where the aorta is down here. There was approximately two  
18 liters of blood in the left plural cavity, which is the  
19 cavity up here that your lung is in. Obviously the body  
20 only has five or six liters of blood so that's a  
21 significant amount of hemorrhaging, and in this case in my  
22 medical opinion makes this specific wound the cause of  
23 death at the time.

24 Q And I was just about to ask you that is in your  
25 medical opinion do you believe that this was the fatal

## CRAIG HART - DIRECT

1 wound to Faris Wray?

2 A Yes. After we go through the details of the other  
3 wounds, which any wound can be fatal eventually if you  
4 don't get the appropriate medical care, but this was the  
5 most dramatic injuries at the time that would have led to  
6 immediate death.

7 Q Okay. And I'm going to show you the follow-up, which  
8 is the --

9 A And I think it's important to know at this time  
10 because you can see how he was laying down there, that  
11 this bullet in the path is moving upwards into the right,  
12 because the lungs that were damaged are up in the left  
13 side of the patient but the right side of this picture, up  
14 there closer to where that incision is, so the path of  
15 this bullet is going from here up to here. And that's  
16 kind of important because it helps kind of to determine  
17 the paths of projectile, if the bullet follows a straight  
18 trajectory, as it did in this case, then the weapon that  
19 fired the bullet had to have been in that direction,  
20 coming up in that. So, I don't know, if you think about  
21 it somebody could have been laying on the ground and shot  
22 up or he was laying on the ground and somebody shot down  
23 on him, which probably is more likely.

24 Q And I was going to ask you that, because -- so the  
25 trajectory was going up into his lungs.

## CRAIG HART - DIRECT

1 A Sure, correct.

2 Q Right. So either the person who shot him had to have  
3 been on the ground shooting up, or just in your opinion  
4 hypothetically, the more likely thing would be he was more  
5 likely on the ground and somebody shot him.

6 A The angle is certainly more consistent with this kind  
7 of direct -- if I was shooting at a body on the ground  
8 right there it would be consistent with going through up  
9 to the lungs like that. It seems unlikely that somebody  
10 would be laying on the ground and shooting up to the  
11 decedent.

12 Q I'm going to -- now, that is a closeup of the same  
13 wound; is that correct?

14 A Yes, ma'am.

15 Q And that's actually State's Exhibit Number 16. And  
16 I'm going to let you explain to the jury the entry and exit  
17 wounds, but let's get to the next injury right now.

18 A Okay.

19 Q Now, here we see another injury. Will you please tell  
20 the jury what we're seeing here?

21 A So this is the decedent's left upper back, and as you  
22 can see there are two wounds right there, one kind of  
23 toward the midline and one laterally out here. The one  
24 towards the midline laterally is very oval, it has an  
25 abrasion collar on it, which again I'll explain to you in

## CRAIG HART - DIRECT

1 a minute why I classified that as an exit wound. The exit  
2 wound is right here, and a lot of times in soft tissue  
3 injuries like this where when I'm cutting in and removing  
4 the organ I'm not actually exploring the muscles back  
5 there, so we use a probe a lot of times to kind of make  
6 sure that that was the path of the bullet and we can see  
7 that there's a hole going that way that we could actually  
8 follow with a probe, and I think we've got a picture of  
9 that later, but importantly that second one up there is  
10 more irregular. Do you see how it's kind of cupped  
11 shaped?. It is not oval and round, more consistent with an  
12 exit wound.

13 Q And that would be State's Exhibit Number 17 which is  
14 in evidence. Now I'm showing you State's Exhibit Number  
15 18. And if you'll continue to explain here also everywhere  
16 you're seeing an injury on his back.

17 A Okay. Well, to follow-up on this first case you can  
18 see there's another hole that's very round and oval with  
19 an abrasion collar on the skin on the back of the arm  
20 there, and then another irregular hole on the external  
21 surface of the arm up top, it so happens that this was  
22 another entrance wound and that's another exit wound. And  
23 this is the wound I was talking about before that in my  
24 opinion it's more likely just one bullet wound that travel  
25 through here, went through the arm, and I can show you



## CRAIG HART - DIRECT

1 that in a minute with another picture why that makes more  
2 sense to me. However I can't say so with 100 percent  
3 certainty, it could be two bullet wounds. And then  
4 finally there's a fourth -- so we had one on the front,  
5 we've got an entrance and an exit and an entrance and an  
6 exit here, those two other gunshots. And then a fourth ,  
7 one in the left lower back right here, you can just see it  
8 barely in the section of that picture, that was the last  
9 one that we described. That wound specifically went just  
10 basically back to front and towards the midline towards  
11 his spinal column, it actually injured his spinal column,  
12 that bullet actually injured the spinal cord back here.  
13 If the decedent had lived he would likely have been  
14 paralyzed from the waist down not been able to walk, it  
15 would have been a very traumatic injury with a lot of  
16 morbidities. That one specifically, it didn't cause him  
17 to bleed out, so unless -- he could have survived that  
18 wound if that was the only one.

19 Q And you were just now mentioning the trajectory in  
20 your opinion in regards to how many shots and I want to  
21 move it to the next picture for that, which is State's  
22 Exhibit Number 19.

23 A This is the picture where I think kind of shows the  
24 likelihood of why I think that those two groups of  
25 entrance and exit wounds are one gunshot wound. If you

## CRAIG HART - DIRECT

1 think about the trajectory of a bullet that's perfectly  
2 going through a very standard position of a person  
3 standing through the back and through the meat of the back  
4 of the arm, if you tried to make those two individual  
5 wounds it would be hard because the arm would have to be  
6 way up here like this to get the back and way back here  
7 just to get the arm by itself. The way that they are  
8 lined up right there makes sense that that would be just  
9 one wound. And now again, you can see the other wound on  
10 the lower back there. And again -- so -- and I mentioned  
11 this before, the wound on the abdomen travels up, damages  
12 a lot of organs, there's a lot of blood involved, that  
13 definitely, in my opinion, the cause of death, the fatal  
14 shot. This one in the back, that just injured some  
15 muscles and fat tissue in the back. And then the arm, it  
16 would have hurt pretty bad but it unlikely would have been  
17 fatal unless you hit like a major artery or just didn't  
18 get -- or it got infected. Anything can be fatal if you  
19 didn't get the right medical care. But those two wounds  
20 right there were unlikely to be associated with the cause  
21 of death that was as rapid as it was in this case.

22 Q And I'm going to actually back up to this picture  
23 right here, which is State's Exhibit 16, a little less  
24 graphic. And I'm going to have you explain to the jury the  
25 difference between exit and entry wounds -- and let me make

## CRAIG HART - DIRECT

1 sure they can see.

2 A If I'm looking at a wound from somebody and we're  
3 looking at it from the side and this is their skin right  
4 here and this is everything that's under the skin right  
5 here, so that's your fat and muscle and all that stuff  
6 that's in there, the skin is a really thin layer on the  
7 top. But the skin is very elastic as you know because we  
8 can pinch it up and move it around, it's kind of rubbery,  
9 right, but the stuff underneath it is a very solid and  
10 stays put, right? So when a bullet comes in any kind --  
11 that's a great picture of a bullet, right? When a bullet  
12 comes in it drags this piece of skin in with it away  
13 because it's kind of rubbery and it stretches, it's  
14 elastic, and then once it breaks through let's say about  
15 right here, the bullet keeps going and it's making a hole  
16 through the rest of the tissue, the skin snaps back and  
17 when the skin snaps back further then there is tissue  
18 underneath it. If you look at this from the other side  
19 you'll see the hole in the middle that the bullet went  
20 through, but the skin that snapped back will have a little  
21 rim around and that's what we call an abrasion collar, and  
22 that's a very definitive sign of an entry wound. So you  
23 know that's just one of our ways that we can tell what's  
24 an entrance wound and what's an exit wound. It's nice and  
25 round, sometimes it's more oval because it's coming from

## CRAIG HART - DIRECT

1 an angle. Wounds that are like straight on are going to  
2 be round and wounds that are coming from an angle, they're  
3 going to be slightly oval, and if it is oval you might  
4 have your abrasion collar only on one side or the other,  
5 but the evidence is usually there with what you need to do  
6 to be able to determine an entry and exit. An exit wound  
7 on the other hand, we're coming from the other way and  
8 here is our skin on the other side, your bullet is coming  
9 through here and it's pushing all this tissue out of its  
10 way in front of it first so everything kind of explodes  
11 outward, right, and you get jagged edges and irregular  
12 stuff, and the skin stuff doesn't do the same abrasion  
13 collar trick that we get on an entry wound. So it's more  
14 jagged, you have tears, it's irregular, it's not perfect  
15 and oval, it's just -- and it is because all of this  
16 tissue in front of it is getting pushed out, sometimes  
17 there is bone chips and fragments and something inside it  
18 that gets pushed out with it, right? So there's just  
19 different nice examples of ways that we can at a wound  
20 externally before we can get inside it and say that's an  
21 entrance and that's an exit. We can line them up what we  
22 think it is going to be, then we go inside and we confirm  
23 that that's truly the path of the bullet, or sometimes  
24 we're fooled and we have to kind of rethink things  
25 through, because when there's more bullet wounds it gets

## CRAIG HART - DIRECT

1 harder to kind of line them up. But in this case it was  
2 pretty simple.

3 Q And thank you for doing that. And what I want to  
4 do -- I'm going to put these down in just a second, I just  
5 want you to show which one -- if you'll just point out  
6 which one -- since you've explained it now which one was  
7 the -- you said this was an entrance wound.

8 A That's an entrance wound and that would definitely be  
9 the fatal wound in this case.

10 Q And on this one, which one is entrance and which is  
11 the exit?

12 A The one towards the midline is the entrance wound,  
13 more towards the actual surface is the exit wound, the  
14 bullet passes traveling from kind of right to left.

15 Q And then on the ones right here?

16 A I think that picture illustrates why I think those  
17 two wounds lined up perfectly and were probably caused by  
18 one trajectory, one bullet. Since it didn't hit any bones  
19 and fragments as it was going through it's a nice clean  
20 travel, probably didn't mess the bullet up very much at  
21 all and that's why it was able to create another nice  
22 entrance wound and then have a similar exit wound on the  
23 other side. And again, I just think this is the normal  
24 position of a back and an arm like you see it right there.  
25 In order for you to do those two wounds separately,

## CRAIG HART - DIRECT

1    though, the arm would have to have been way out like this  
2    to shoot from this way and miss the back and only hit the  
3    arm, and then it would have had to have been way up front  
4    like this, which could have happened. Those could  
5    certainly be two different wounds, it just appears to me  
6    in my opinion to line up too perfectly to consider  
7    otherwise.

8    Q     Okay. Thank you so much. Now Dr. Hart, how many  
9    actual injuries to Mr. Wray did you document in your  
10   report?

11   A     I documented them in my report as three separate  
12   wounds likely, with those third and fourth ones being  
13   combined in one shot. It is technically possible to be  
14   four different ones but I believe in my opinion it was  
15   three.

16   Q     So in your expert opinion you believe there was more  
17   likely than not three injuries to him because you combined  
18   the one that you just showed with the trajectory rod, is  
19   that right? Is that what you're saying?

20   A     Right, three different projectiles.

21   Q     Well, let me ask you this --

22   A     Two of them which were recovered and submitted as  
23   evidence, by the way, that didn't exit the body, and the  
24   third one -- or third and fourth one if you want to go  
25   with the other theory had exit wounds and were not

## CRAIG HART - DIRECT

1 retrieved in my procedure. I'm not sure what they may  
2 have retrieved at the scene.

3 Q Sure. Okay. But you actually retrieved the two and  
4 you gave them to Detective Perry so that he could follow-up  
5 with those.

6 A Correct.

7 Q Now, Dr. Hart, for someone who does not have the  
8 training that you have, all right, and knows what they're  
9 looking at in regards to a bullet hole, like you're just  
10 now describing entrance wounds and exit wounds, if someone  
11 is just looking at a person who maybe their shirt is off  
12 and they're seeing these wounds, would it be possible that  
13 they could think that there were -- by having more holes  
14 that there were more shots?

15 A Absolutely. There were six holes so it certainly  
16 could be conceivable that you would see six gunshot  
17 wounds. There are technically six gunshot wounds, it's  
18 that just some of them are entrances and some of them are  
19 exits.

20 Q And you explained that to the jury now based upon your  
21 medical expertise.

22 A Right.

23 Q And in your medical expertise as a pathologists, what  
24 was -- and you've already mentioned this before but I want  
25 to just be really clear as we're summing up here, what was

## CRAIG HART - DIRECT

1 your conclusion as to the cause of death?

2 A The cause of death in this case -- and word it just  
3 like I did at the time -- is gunshot wounds to the thorax,  
4 specifically this one gunshot wound that traveled from the  
5 right lower abdomen up to the lungs caused the death in  
6 this case.

7 Q Did you see any type of defensive wounds or other  
8 injuries on the decedent?

9 A No. I did not see other external injuries or they  
10 would have been documented in pictures as well.

11 Q Okay. And in the gunshot wounds that you saw there  
12 was one that was in the -- not wounds, I'm sorry, from what  
13 your opinion was, the one from the front, and then the  
14 others were on the back of the decedent, right, Mr. Wray?

15 A Correct.

16 Q And in your expert opinion would the decedent had to  
17 have had his back to the shooter in order for those  
18 injuries to occur?

19 A For two of the wounds the decedent would have his  
20 side or -- side or back to the shooter, and then for one  
21 it would have had to have been somewhat facing the  
22 shooter. That's the one where I said I think it was more  
23 likely that he was laying on the ground just based on the  
24 path. It would seem unlikely that someone would be laying  
25 on the ground shooting up at someone, not that that's



## CRAIG HART - DIRECT

1 impossible. It was more likely that someone was laying on  
2 the ground and shooting from that angle would provide the  
3 path in the wounds that we saw on the decedent.

4 MS. LIVELY: Just give me one moment, please.

5 (Break in proceedings.)

6 Q You showed the trajectory of entry of the wound  
7 through the back and through the arm. Would it be possible  
8 for Mr. Wray to have actually been turning to run away for  
9 that to have been the trajectory of the bullet?

10 A Certainly.

11 Q It's possible.

12 A Yes.

13 Q Because you were showing some awkward movements in  
14 order to show how it could have been two separate bullet  
15 wounds, right?

16 A Correct. And if you think about the angle of that  
17 specific bullet, you have a bullet that's coming from that  
18 direction and going that direction, so if -- either  
19 someone is standing like this still or it would certainly  
20 be possible that you were turning away from a weapon,  
21 which I would do if there was a weapon there, and then  
22 that would fit the trajectory.

23 MS. LIVELY: Thank you. Answer any questions that the  
24 defense may have.

25 CROSS EXAMINATION

## CRAIG HART - DIRECT

1 BY MR. JONES:

2 Q Dr. Hart, just to go back over a couple of things, how  
3 many wounds did you say there were?

4 A There are six individual wounds I believe that  
5 coincides with three projectiles.

6 Q And how many specifically to the decedent's back?

7 A How many specifically to the decedent's back? There  
8 was one on entry on the lower back, one entry and exit on  
9 the outer back.

10 Q So three bullet holes in the decedent's back  
11 altogether.

12 A Correct.

13 Q Now, you said that you're theorizing that someone  
14 probably shot while standing over top of the victim?

15 A For the fatal wound it appears that way, but that's a  
16 conjecture. All I can really only testify to is the path  
17 of the bullet which is coming from below, from inferior to  
18 superior, that's definite.

19 Q Yes, sir. Now, that theory of the trajectory means  
20 that somebody is kind of standing at a distance. Would  
21 that make sense if somebody were standing right on top of  
22 the body or the person?

23 A What kind of distance are you talking about? Because  
24 distance is relative.

25 Q A foot away, like from me to this podium. If someone

## CRAIG HART - CROSS

1 was on top of a person shooting, would you expect it to go  
2 straight through or would you expect it to have that kind  
3 of angle?

4 A I don't think that's an easy question to answer  
5 depending on where you are. I mean, because generally  
6 speaking the decedent could have been hunched over like  
7 this and he was shot in the abdomen and that made that  
8 same projectile. There are other possibilities, you can  
9 conjecture anything that, you know, you can come up with.  
10 All I can really say is that this is the path of the  
11 bullet that it went. If somebody was standing on top of  
12 somebody and they shot down, then yes, it would go  
13 straight through. If they shot like this, though, if they  
14 were looking down here and shot like this then it would go  
15 at the angle that we talked about. If they were standing  
16 back a little bit further I would say it would be like  
17 that, that would seem -- a couple of feet would give you  
18 the angle that you needed to get those wounds. But the  
19 other possibility is that the decedent was on the ground  
20 and kind of on his side, in which case you wouldn't need  
21 as much of the distance and you could be a little bit  
22 closer, so there is just a --

23 Q A lot of variables?

24 A A lot of variables.

25 Q Yes, sir. And you talked about the stippling around

## CRAIG HART - CROSS

1 the wounds. Can you explain, again, so if someone were to  
2 say shoot a person and the barrel was making contact you  
3 would expect to see some stippling?

4 A If somebody was shooting within about a two foot  
5 range you would expect to see some gun powder or stippling  
6 on the clothing. In this case I didn't have the clothing  
7 and I don't remember what was removed from him prior to me  
8 seeing because that was removed by EMT's, I don't know  
9 what was covering each wound. So none of my wounds on the  
10 back or the front of the arm, none of those wounds had any  
11 stippling or gun powder burns around them, so to my extent  
12 I call them distant gunshot wounds, but really that just  
13 means greater than two feet.

14 Q Yes, sir.

15 A And you could see stuff like that on the clothing  
16 sometimes, which I didn't see the clothing.

17 Q Yes, sir.

18 MR. JONES: No further questions, thank you.

19 THE COURT: Any redirect?

20 MS. LIVELY: No, Your Honor, thank you. May this  
21 witness be excused?

22 THE COURT: Thank you, sir, you're free to leave. You  
23 may call your next witness.

24 MS. LIVELY: Yes, Your Honor, the State calls Laurie  
25 Shacker to the stand.

## CRAIG HART - CROSS

1           The witness, LAURIE SHACKER, was first duly sworn and  
2           testified as follows:

3                               DIRECT EXAMINATION

4   BY MS. LIVELY:

5   Q   Agent Shacker, please tell the jury where you  
6   currently work.

7   A   I currently work at the South Carolina Law  
8   Enforcement Division commonly known as SLED.

9   Q   And how long have you worked for SLED?

10   A   I have been there for about 18 years.

11   Q   And what are your duties at SLED, your actual position  
12   there?

13   A   Currently I'm the quality manager of the laboratory,  
14   I've been doing that for about the last four years. Prior  
15   to that I was a forensic toxicologist in the toxicology  
16   department.

17   Q   And when you were in the toxicology department in that  
18   position, would that have been back in September of 2010?

19   A   Yes.

20   Q   Now, Agent Shacker, tell the jury what type of  
21   education and experience you need to have in order to go  
22   into the field of toxicology?

23   A   Well, you have to have a chemistry or biology  
24   background. I have a Bachelor of Science in Chemistry  
25   from the University of South Carolina. And I also

## LAURIE SHACKER - DIRECT

1 completed an in-house training program at SLED where I had  
2 to pass practical exams, written exams and oral exams to  
3 actually learn how to do the analytical portion of my job,  
4 and also to interpret the results.

5 Q And have you ever actually testified in court  
6 regarding your toxicological findings in cases?

7 A Yes, I have.

8 Q And have you been qualified as an expert?

9 A Yes, I have.

10 Q About how many times?

11 A Approximately 40.

12 MS. LIVELY: Your Honor, at this time the State would  
13 offer Agent Shacker as an expert in toxicology.

14 MR. JONES: Without objection, Your Honor.

15 THE COURT: All right. Without objection so  
16 qualified.

17 Q Now, Agent Shacker, I asked you about the date in  
18 September of 2010 relevant to the case SLED number  
19 L1011391. Are you familiar with that particular case?

20 A Yes, I am.

21 Q And are you the actual toxicologist who ran all of the  
22 tests on the blood that was provided to you regarding the  
23 deceased, Faris Wray?

24 A I issued the report.

25 Q You issued the report.

## LAURIE SHACKER - DIRECT

1 A Yes, with the toxicology results in the case, yes.

2 Q And do you have a copy of that report with you?

3 A I do.

4 Q If I could refer you to this report. Will you please  
5 let the jury know what it is when you do a toxicology, when  
6 you actually analyze for toxicology results, what do you  
7 do -- or what do you look for?

8 A What we're looking for is in biological fluids like  
9 blood or urine we're looking for the presence or absence  
10 of drugs, alcohol, and poisons.

11 Q Is that standard in pretty much all cases?

12 A Yes. Standard for all the cases that we do, yeah.

13 Q If there's anything unusual in a particular case,  
14 could you actually test for other things?

15 A We could, yes.

16 Q All right. And in this particular case was it a  
17 standard testing done on the deceased, Mr. Wray?

18 A It was, yes.

19 Q So tell specifically to the jury what four items  
20 actually comes up for just a lay person whose reading it.  
21 would understand what the things are that were tested for.

22 A Okay. In this particular case I received a bullet  
23 sample that was labeled Wray, Faris, and I performed a  
24 volatiles analysis, which is an analysis looking for  
25 alcohol, most commonly drinking alcohol, but we also test

## LAURIE SHACKER - DIRECT

1 for some other volatile substances that can be present  
2 especially in a death case. And also there was a drug  
3 screen performed, and the most commonly abused drugs is  
4 generally what we're screening for in a toxicology  
5 analysis, and we screened for the common classes of drugs  
6 that we would typically do in an analysis. So in this  
7 case the screens included amphetamine, benzodiazepines,  
8 methamphetamine, oxycodone cannabinoids, cocaine  
9 metabolites and opiates.

10 Q So give just some of the street terms for some of  
11 those for those of us who may not know from our  
12 perspective.

13 A Amphetamine and methamphetamine are typically known  
14 as amphetamine and methamphetamine. Benzodiazepines, that  
15 would be Valium, Xanax, some of those antianxiety type  
16 medication. Oxycodone may be referred to as Oxycontin,  
17 it's an anxiolytic or used for pain. Cannabinoids is  
18 marijuana, commonly referred to as marijuana. And  
19 opiates, some examples of those would be morphine, heroin,  
20 and those are generally what we would typically see in  
21 that class.

22 Q And you also have cocaine metabolite?

23 A Cocaine metabolite, that would be what cocaine breaks  
24 down to in the body.

25 Q All right. Now, tell the jury based upon your



## LAURIE SHACKER - DIRECT

1 analysis and everything that you do based on standards that  
2 are actually provided to you, is it nationally that y'all  
3 have to follow standards and protocols?

4 A Yes, we are nationally accredited.

5 Q Based upon your protocols and your testing, please  
6 tell the jury if any of those were positive in regards to  
7 the deceased, Faris Wray?

8 A The volatiles analysis, or the alcohol analysis, was  
9 negative, and the drugs that were screened for were also  
10 negative.

11 Q So for everything you screened Mr. Wray for, was he  
12 positive for any type of intoxicants in the system?

13 A Not that we screened for, no.

14 MS. LIVELY: Thank you, Agent Shacker. Please answer  
15 any questions that the defense may have for you.

## 16 CROSS EXAMINATION

17 BY MR. JONES:

18 Q So just to be clear, you don't go out and collect  
19 samples, do you?

20 A I do not.

21 Q You just test the samples that are sent to you?

22 A Yeah, that's right.

23 MR. JONES: Thank you, no further questions.

24 THE COURT: Thank you, ma'am, you may step down and  
25 you're free to leave.

## LAURIE SHACKER - CROSS

1 MS. LIVELY: Thank you, Your Honor.

2 THE COURT: Ladies and gentlemen, let's take a brief  
3 recess, midmorning recess, we'll get you back in here  
4 momentarily. Please don't talk about the case.

5 (The jury left the courtroom.)

6 THE COURT: Anything?

7 MS. LIVELY: No, Your Honor, not from the State.

8 MR. JONES: Nothing from the defense, Your Honor.

9 (A recess was taken.)

10 THE COURT: All right. Anything else before we bring  
11 the jury in?

12 MS. LIVELY: Not from the State, Your Honor.

13 MR. JONES: Not from the defense, Your Honor.

14 (The jury returned to the courtroom.)

15 THE COURT: All members of the jury are present.

16 Madam Solicitor, you may call your next witness.

17 MS. LIVELY: Thank you, Your Honor. The State calls  
18 Agent John Roberts to the stand.

19 The witness, JOHN ROBERTS, was first duly sworn and  
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MS. LIVELY:

23 Q Agent Roberts, where are you currently employed?

24 A I work for the South Carolina Law Enforcement  
25 Division more commonly known as SLED in the arson

## LAURIE SHACKER - CROSS

1 investigations unit.

2 Q And how long have you worked for SLED?

3 A About 12 and a half years now.

4 Q And have you always been in the arson division?

5 A No, ma'am, I have not.

6 Q Before going into the arson division where did you  
7 work, as in what division of SLED did you work at?

8 A Yes, ma'am. I worked in the forensic services  
9 laboratory and the trace evidence department.

10 Q And if you wouldn't mind, explain to the jury what  
11 trace evidence department means.

12 A Yes, ma'am. The trace evidence department is the  
13 department at the forensic services lab that gets evidence  
14 that is small and in trace amounts. They do gunshot  
15 residue, they do paint and fiber analysis, they do glass  
16 analysis, arson analysis, and there may be one or two  
17 more, but it's not toxicology, it's not drug ID and it's  
18 not DNA.

19 Q All right. Now, Agent Roberts, what type of  
20 educational background do you need in order to work in  
21 trace evidence?

22 A We require a Bachelors Degree. I myself have a  
23 Bachelor of Science Degree in Chemistry. When I went to  
24 work at SLED I started in the trace evidence department, I  
25 worked under my lieutenant who had been there for about 20

## JOHN ROBERTS - DIRECT

1 years when I got there. He put me through our program  
2 teaching me how to do gunshot residue, and how to do arson  
3 analysis. After a specified time I was given an exam and  
4 a court testimony trial and was deemed worthy enough to do  
5 gunshot residue analysis, and then arson analysis later,  
6 which I did for about seven and a half years.

7 Q And have you ever been qualified as an expert in court  
8 in the field of trace evidence?

9 A Yes, ma'am.

10 Q All right. So you've actually testified in regards to  
11 gunshot residue and findings in a courtroom?

12 A I have.

13 Q And whenever you -- once you're actually qualified to  
14 do this type of testing and come in and actually testify,  
15 can it be anything like you were mentioning before, the  
16 gunshot residue, fiber, it's not just one thing you are  
17 necessarily looking for?

18 A For me generally it is just either gunshot residue or  
19 arson analysis, because those were the things that I was  
20 qualified to testify.

21 Q And I think that was my question, you mentioned  
22 earlier what trace evidence is, but you were more  
23 specifically qualified in gunshot residue analysis?

24 A Yes, ma'am, that's correct.

25 Q Okay.

## JOHN ROBERTS - DIRECT

1 THE COURT: Your Honor, at this time the State would  
2 offer Agent Roberts as an expert in trace evidence  
3 analysis.

4 MR. FRICK: No objection.

5 THE COURT: Without objection so qualified.

6 MS. LIVELY: All right, thank you.

7 Q Now, Agent Roberts, you were working in the trace  
8 evidence division of the forensic lab back in March of  
9 2011; is that true?

10 A Yes, ma'am, that's right.

11 Q All right. And you're familiar with lab number  
12 L1011391?

13 A Yes, ma'am.

14 Q And as a matter of fact, did you bring your actual  
15 report with you to court today?

16 A I brought my court report and the case file.

17 Q So you know exactly what you're here for to testify to  
18 this today.

19 A I do.

20 Q Now, in regards to your particular analysis, what was  
21 provided to you from the Chester County Sheriff's Office to  
22 be looked at?

23 A Make sure that I get it right, I'll look at my case  
24 file real quick. What I have given was a gunshot residue  
25 kit from J. C. Bowler, and a brown envelope with a white

## JOHN ROBERTS - DIRECT

1 do-rag.

2 Q We're going to talk about first your item one, which  
3 is the gunshot residue kit; is that correct?

4 A Yes, ma'am, that's correct.

5 Q So I'll let you pull that out. All right. Now, Agent  
6 Roberts, in regards to the testing for GSR, gunshot  
7 residue, tell the jury what type of procedures are used in  
8 doing that, what information you need before you actually  
9 go in and do your testing.

10 A What happens is someone who is suspected of firing a  
11 weapon has their hands tested for gunshot residue, which  
12 is the collection of particles that are ejected from a  
13 firearm when it's fired. Now, we're not looking for gun  
14 powder, gun powder is the black stuff in the middle of the  
15 cartridge case that burns, what we're looking for is  
16 primer. Primer is the off-colored disc on the butt-end of  
17 the cartridge that sets off the main powder charge, inside  
18 that little disc is combination of metals that are  
19 explosive when they are hit hard and that's what makes a  
20 bullet go fast. What we're looking for are those  
21 particles, and specifically what we're looking for are  
22 combinations of lead, barium and antimony. Now, when  
23 someone is thought to have fired a weapon they're given a  
24 gunshot residue test. Gunshot residue test comes in a kit  
25 and it is -- it was two specific sampling types. There

## JOHN ROBERTS - DIRECT

1 are swabs that are dipped in dilute nitric acid and  
2 swabbed over the four areas of your hand; your left palm  
3 and back of the hand are two separate areas, and then the  
4 right palm and the right back of the hand are two separate  
5 areas, so four separate sets of swabs. Then there are the  
6 sticky tabs, scientists call them particle lifts but I  
7 call them sticky tabs because nobody else speaks scientist  
8 but me. They look like bingo datas is what -- they call  
9 B12, you punch B12 with the bingo data, that's what these  
10 are, they're sticky tabs. They are applied to the same  
11 areas that swabs are applied to; left palm and left back,  
12 right palm and the right back. Now, the key to doing this  
13 is that you have to have the person take the test within  
14 six hours of the suspected firing of the weapon. What we  
15 have found is that after six hours your natural  
16 respiratory processes, which means you sitting there and  
17 breathing, will diminish this metal, will diminish the  
18 concentration of metals to a point where we can't detect  
19 it. And that's gunshot residue.

20 Q All right. I'm going to show you what's in evidence  
21 as State's Exhibit Number 25. Does this actual bag and the  
22 items in it look like what you would have received in  
23 regards to a gunshot residue test from this particular  
24 case?

25 A Yes, ma'am, it does. It's got the lab number, the

## JOHN ROBERTS - DIRECT

1 L1011391 on it, which matches up with my case number. I  
2 can't see my initials on it but this is the gunshot  
3 residue kit that was submitted to me.

4 Q And it's already in evidence at this time submitted  
5 through the Chester County Sheriff's Office, is that what  
6 the kit would look like if it came to you?

7 A Yes, ma'am. These right here, these four things,  
8 these are the particle lifts, the sticky tabs, and on the  
9 back side, these are the swabs.

10 Q Okay. Now, will you please tell the jury the  
11 information you have in regards to when the gunshot residue  
12 test -- or not necessarily test, I'm sorry, whenever the  
13 samples were taken of the defendant, Jock Bowler?

14 A Yes, ma'am. When we get the gunshot residue kits in  
15 the lab they are taken back to a room, they're processed  
16 for analysis, in this case I actually did the processing.  
17 And when you open the gunshot residue kit there is a  
18 gunshot residue analysis information form, all right, that  
19 has who it's coming from, who is submitting this thing for  
20 analysis, the actual name of the officer who takes the  
21 kit, the name of the person who the kit is taken from,  
22 known cartridge. If they recover a firearm and they know  
23 that firearm was used they'll put down the caliber of that  
24 cartridge. The two most important things to me when I  
25 look at this is the person's name, because I can't do a



## JOHN ROBERTS - DIRECT

1 kit that doesn't have the name on it, and the times. What  
2 I'm looking for is the time that the incident happened and  
3 the time that the gunshot residue kit was collected. In  
4 this case the shooting is listed as happening on September  
5 8th of 2010 at around 9:00 in the evening, and the kit was  
6 collected September 9th of 2010 at almost 9:00 in the  
7 morning, so about 12 hours between.

8 Q So as a result of that lapse of time of 12 hours,  
9 which is obviously more than six, what decision did you  
10 make regarding testing of that kit?

11 A Because of the lapse of time we did not analyze any  
12 of the swabs or particle lifts from the kit.

13 Q Is that a standard procedure and protocol used by SLED  
14 based on your studies and other studies throughout the  
15 United States?

16 A Yes, ma'am, that's correct.

17 Q All right. And do you follow the standard procedures  
18 that are used throughout the United States and other  
19 forensic labs?

20 A Yes, ma'am, we do.

21 Q And you're accredited nationally; is that correct?

22 A Yes, ma'am. The lab is accredited through ASCLD and  
23 ISO.

24 Q All right. So you didn't go forward with the test.  
25 What would the likelihood under those circumstances if we

## JOHN ROBERTS - DIRECT

1 were going to guess in your best guess that there would be  
2 any type of gunshot residue there after 12 hours?

3 A The chances would be very minimal.

4 Q Because you said even from respiratory actions that  
5 you might not even be thinking about after six hours there  
6 would be minimal, if any.

7 A Yes, ma'am. The gunshot residue is fairly fragile.  
8 I know I said that it was metals and everybody likes to  
9 think of metals as steel and iron and stuff like that, but  
10 it's not, it's very fragile, and obviously since it goes  
11 to trace evidence, it's in very, very tiny, tiny  
12 particles. Well, if you've ever baked, you know, you put  
13 flour on your hands or if you've ever gotten your hands  
14 dusty from working in a sandpit or something you come out  
15 of that with your hands covered. But as soon as you put  
16 your hands under water the vast majority of that stuff  
17 goes away, if you stick your hands in your pockets a lot  
18 of it goes away. The more you touch after you've done  
19 those things the more the residue of whatever you were  
20 handling goes away. It's very similar with gunshot  
21 residue, the more you put in your pocket the more it gets  
22 wiped off your hands. If you wash your hands at any point  
23 between the time that you go and fire a gun and the time  
24 that somebody take a gunshot residue test, the vast  
25 majority of those particles are going to get washed away

## JOHN ROBERTS - DIRECT

1 just by water, nevermind if you do a good job and use soap  
2 and water. If you just sit there and breath your body  
3 will absorb enough of these materials that I won't be able  
4 to find them after six hours. You run around and sweat,  
5 you're going to wipe your hands off with something, that  
6 material is going to go with it.

7 Q And that's some of the questions I was going to ask  
8 you in regards to that. So hypothetically speaking if you  
9 have the scenario where a person before the GSR kit is  
10 actually performed goes into the bathroom uses the  
11 restroom, then comes out, washes their hands and then goes  
12 into a room and has the GSR kit done, what's the  
13 likelihood -- oh, and it's been 12 hours, what is the  
14 likelihood that you would find any type of gunshot residue?

15 A Almost not at all.

16 Q So once again, that part of your testing with the GSR  
17 kit based upon your professional as well as expert opinion  
18 would have been basically a waste of time, it wasn't going  
19 to get us anything forensically.

20 A Yes, ma'am, we would not have done it.

21 Q Now, let's move to another item that actually was sent  
22 to you back in March of 2011. What was the second item?  
23 Just remind the jury so I can talk to you about that one.

24 A It was a white do-rag.

25 Q So when you got this white do-rag, how did you perform

## JOHN ROBERTS - DIRECT

1 your testing for trace evidence on that particular item?

2 A With clothing we don't do swabs, swabs are mainly

3 just for hands or faces sometimes. We just do the

4 particle test, we just do the sticky tabs on clothing.

5 Usually we get sent shirts, sometimes pants, sometimes

6 do-rags in this case, and we use the particle lifts to try

7 and pull the material off of whatever clothing item that

8 has been submitted. In this case it was a white do-rag,

9 and I used two particle lifts to sample the entire do-rag,

10 we don't just do bits and pieces, we do the whole thing.

11 So two particle lifts, and I did the whole do-rag with the

12 two particle lifts.

13 Q And after doing the particle lifts on the do-rag, the

14 entire do-rag, what were your findings?

15 A I did not find any gunshot residue on the do-rag.

16 Q All right. Now, in regards to clothing, if you had

17 gotten let's say for instance a shirt from someone who had

18 shot a weapon and you had that shirt provided to you, would

19 there be a likelihood that you would find some gunshot

20 residue on that particular item of clothing?

21 A There's a good likelihood. It depends on how the

22 shirt is being worn. If it's an undershirt -- for

23 instance I'm wearing a button-up while colored shirt and

24 I've got on an undershirt, T-shirt underneath that. If I

25 go out today and shoot the firearm and I take my coat off

## JOHN ROBERTS - DIRECT

1 because it's warm outside, I'll get gunshot residue on my  
2 outer shirt. The chances of it getting on the inner shirt  
3 are vanishingly small, they're tiny, because it is covered  
4 up by something.

5 Q So it attaches to the clothing that it comes into  
6 closest contact with.

7 A Yes, ma'am. The closest -- the closest clothing that  
8 is exposed gets the gunshot residue on it, yes, ma'am.

9 Q Okay. So if the scenario given to you was that the  
10 shooter who had on the do-rag was also wearing a ball cap,  
11 what is the likelihood for that shooter actually getting  
12 gunshot residue on the item of clothing underneath the ball  
13 cap?

14 A It's very small.

15 Q And if the only thing that was showing from the do-rag  
16 outside of the ball cap was behind the individual and  
17 nothing was showing from the front because the ball cap  
18 could have been pulled way down, what's the likelihood of  
19 any gunshot residue from shooting straight ahead would be  
20 on there?

21 A Very small again.

22 MS. LIVELY: One moment.

23 (Break in proceedings.)

24 MS. LIVELY: Thank you so much, Agent Roberts, please  
25 answer any questions that the defense has for you.

## JOHN ROBERTS - DIRECT

1 CROSS EXAMINATION

2 BY MR. FRICK:

3 Q Agent Roberts, just to clarify so I know what we're  
4 dealing with here, if I'm holding a gun and I shoot it,  
5 what's the part that you're looking for?

6 A I'm looking for the part that comes out of the muzzle  
7 and any cracks of the firearm.

8 Q So you said not the black powder that makes the  
9 projectile go, but there's other stuff that makes the whole  
10 thing happen, right?

11 A Yes, sir, that's right.

12 Q And it contains three different things?

13 A Three different elements that we're looking for in a  
14 combination.

15 Q I'll get back to that in a second. All right. How  
16 does the stuff that you're looking for get out of the gun?

17 A It usually comes out of the muzzle in a cone shaped  
18 cloud.

19 Q Does it come out any other places?

20 A Depends on what it is. If it's an automatic and all  
21 there is an ejector port to come out of, it will come out  
22 of the ejector port along with the spent cartridge casing.

23 Q Hold on a second, okay. So let's say my pen pistol  
24 here is an automatic and this is the ejector, the shell  
25 casing is going to come out and then you would expect the

## JOHN ROBERTS - CROSS

1 gun residue to come out there too?

2 A Some residue comes out of there, too.

3 Q Thank you. Go on with what you're doing.

4 A The revolver cowboy gun has a cylinder and there's  
5 usually, unless it's a very expensive revolver, again,  
6 between the cartridge and where the cartridge is held in  
7 the cylinder and the barrel, it comes out of that gap as  
8 well.

9 Q So you're talking about where the little thing that  
10 spins around, the bullets are in there, lip gap right  
11 there, it kind of comes out of any direction there?

12 A Yes, sir, mostly.

13 Q Okay. Does it come out in any other places?

14 A I've gotten it out of the trigger guard but that's on  
15 my gun, that's not every gun.

16 Q Right.

17 A Just anywhere that there is a crack or a crevice that  
18 it can come out of it will come out.

19 Q So I guess in summation, it can come out of -- what  
20 you're looking for and the reason why you're looking for it  
21 on the shooter is because if I'm the person holding the gun  
22 it's possible it would be on my hand.

23 A That's right.

24 Q I don't have to be standing in front of it to get the  
25 gunshot residue on me.

## JOHN ROBERTS - CROSS

1 A No. If you're standing beside it you could get it on  
2 you but more than likely not on your hands, more than  
3 likely on your clothes. The reason we test possible  
4 shooters is because their hands are closest to the  
5 firearm.

6 Q And that six hour window you were talking about, that  
7 is specifically with skin, right?

8 A That is correct, yes, sir.

9 Q If I'm wearing gloves, cotton gloves.

10 A Cotton gloves, as long as they have not been washed,  
11 will retain the material, not forever, but for a long  
12 time.

13 Q Right. Okay. So essentially on any say cotton or  
14 rayon or nylon items.

15 A Almost any clothing.

16 Q Okay. As long as it's not washed.

17 A That's right.

18 Q Now, the gunshot residue occurs with every shot,  
19 correct?

20 A Yes, sir.

21 Q So I fire a bullet, there's gunshot residue somewhere,  
22 I fire another bullet there's more gunshot residue.

23 A Yes, sir.

24 Q Okay. So if I fired multiple shots there would be  
25 more gunshot residue in the area?



## JOHN ROBERTS - CROSS

- 1 A Yes, sir.
- 2 Q It's just kind of in a cloud there.
- 3 A It's in a cloud, however it's heavier than air so it  
4 does drop, but yes, in a cloud.
- 5 Q Okay. The three things that are in gunshot residue  
6 when you're testing for it, for you to be able to say that  
7 something is gunshot residue, do you have to find all three  
8 things?
- 9 A I do. I have to find all three things in a particle  
10 altogether.
- 11 Q Okay. All right. Are there any other levels that you  
12 would say that might be gunshot residue?
- 13 A There are, combinations of two of the three.
- 14 Q Uh-huh.
- 15 A For example, if I get particles that have lead and  
16 barium or lead and antimony, or barium and antimony, since  
17 we're going all the way with it, those particles in those  
18 combinations can be associated with gunshot residue.
- 19 Q Okay. And if you saw that, if you saw one particle of  
20 lead and barium, or some combination of the items but it  
21 didn't equal what we would call gunshot residue, would that  
22 be reflected in your report?
- 23 A If I find more than one.
- 24 Q Okay.
- 25 A In all of the cases with any testing that I do, I

## JOHN ROBERTS - CROSS

1 can't just find one thing and call it a positive for that  
2 thing, I have to have confirmation. For gunshot residue  
3 it's finding a particle with all three elements and  
4 finding a supportive particle, which is one with the two  
5 in it, or another one with three, that would result in a  
6 positive confirmation for gunshot residue. If I found  
7 just a particle with the two elements in it and then found  
8 another particle with just the two elements in it -- let's  
9 use lead and lead antimony, if I found those two I could  
10 say ground lead was found and then I think the report  
11 would further state that ground lead particles are  
12 associated with gunshot residue is what I believe it would  
13 say.

14 Q I guess just so we all understand, gunshot residue is  
15 a specific thing, basically a term of art, that is a  
16 specific thing, right?

17 A Yes, sir, it is.

18 Q And it means a specific thing but there are smaller  
19 parts of it that are reportable.

20 A Yes, sir.

21 Q That may indicate that someone fired a firearm.

22 A Yes, sir.

23 Q Or was at least around a firearm that was fired.

24 A Yes, sir.

25 Q And on item two, this was an article of clothing.

## JOHN ROBERTS - CROSS

- 1 A It was.
- 2 Q Were you given any other articles of clothing?
- 3 A I don't believe I was but let me make sure.
- 4 Q Sure.
- 5 A I was not.
- 6 Q Okay. And specifically on article two your findings
- 7 were what?
- 8 A No gunshot residue was found.
- 9 Q Okay. No other particles.
- 10 A No, sir.
- 11 Q Nothing reportable.
- 12 A No, sir.
- 13 Q And I mean, I know we have a hat pulled down over our
- 14 eyes and that would obfuscate the situation, but if you had
- 15 it any other way it could be exposed, right?
- 16 A If the hat is on your head over top of the do-rag
- 17 you're probably not going to get anything on it.
- 18 Q Okay. But if any part of it is exposed.
- 19 A Yes, sir, it could.
- 20 Q And, of course, you're not on the scene to do the
- 21 looking at the person at the scene, you get what's sent to
- 22 you, right?
- 23 A Yes, sir.
- 24 Q And in this case, specific case you were given the kit
- 25 in item one, right, the hand swab? You don't do that.

## JOHN ROBERTS - CROSS

1 A No, sir, I don't do the swabs.

2 Q So you test what you're given on that one.

3 A That's right.

4 Q And item two, the do-rag --

5 A I was given the do-rag and I did the sampling myself.

6 Q You take the sampling and then you do the testing.

7 A Yes, sir.

8 Q Okay. And the one hour time window, is that a SLED

9 policy, is that a professional policy, how do y'all --

10 A We've done studies and we've read studies of others

11 who have -- basically what you do is you take a gun, and

12 it helps if you take a big gun because you want as much

13 gunshot residue as you can get, you fire it once and then

14 you wait and you take a sample two hours after, find

15 gunshot residue or not find gunshot residue. What we have

16 done, or what we have done in the past, is fire one shot

17 and we wait those specific amounts of times, one hour, two

18 hours, three hours, four hours, and after six hours there

19 was nothing left. And so that just confirms what we've

20 previously seen in studies done by others is six hours is

21 the window that is used.

22 Q For hands or exposed skin.

23 A Yes, sir, for exposed skin. For clothing it's

24 different.

25 Q For clothing there really is no window, is there?

## JOHN ROBERTS - CROSS

1 A No, sir, there is not.

2 Q And in this case the test is not performed on the  
3 hands because it's outside y'all's window.

4 A The analysis was not performed, that's correct.

5 Q And on two it was and nothing was found.

6 A That's right.

7 MR. FRICK: Thank you, sir, that's all of the  
8 questions I have.

9 THE COURT: Any redirect?

10 MS. LIVELY: Nothing from the State, Your Honor.

11 THE COURT: Thank you, sir, you may step down and  
12 you're free to leave. All right, State can call its next  
13 went.

14 MS. LIVELY: Your Honor, at this time the State rests  
15 its case.

16 THE COURT: The State rests. All right. Ladies and  
17 gentlemen of the jury, now is a good time to go ahead and  
18 take a lunch recess. Remember my instructions about how  
19 you're supposed to act while you're away from the  
20 courtroom, don't talk to anybody, don't let anybody talk to  
21 you, don't read anything about the case. We will resume at  
22 1:30, be back in your jury room at 1:30. Y'all have a good  
23 lunch, okay?

24 (The jury left the courtroom.)

25 THE COURT: Mr. Jones?

## JOHN ROBERTS - CROSS

1           MR. JONES: Your Honor, at this time the defendant  
2 rests.

3           THE COURT: Well, I will let you do that when the jury  
4 comes back, but do you have any motions at this point in  
5 time?

6           MR. FRICK: Your Honor, at this time the defense would  
7 move for a directed verdict on both charges. First, the  
8 defense would like to renew its objection to the trying of  
9 both of the charges together. I understand how the Court  
10 has ruled and likely to rule but I would like to renew that  
11 objection of trying the pointing and presenting and the  
12 murder charge as we believe they are unrelated in this  
13 case. In regard to a directed verdict motion, Your Honor,  
14 I don't believe the evidence taken in the light most  
15 favorable to the State that there is enough evidence for  
16 this to be decided as a matter of fact, it can be decided  
17 as a matter of law and I would ask for the Court to direct  
18 a verdict of not guilty at this time.

19          THE COURT: Thank you. Ms. Lively?

20          MR. FRICK: Yes, thank you, Your Honor. In the light  
21 most favorable to the State, Your Honor, obviously we have  
22 placed direct evidence, we have got eye witness testimony  
23 in regards to this defendant and his actions both on the  
24 pointing and presenting as well as the murder. We believe  
25 there's more than ample evidence in this case to send it to

1 a jury for them to deliberate for a verdict.

2 THE COURT: Okay. Thank you. First as to the renewed  
3 objection as to the Court denying the defense motion --  
4 defense's motion to sever and allowing both indictments to  
5 be presented to the jury, the Court continues to overrule  
6 that objection and will not revisit that issue. As to the  
7 issue of directed verdict the State does -- the Court does  
8 agree with the State, that viewing the evidence in the  
9 light most favorable to the State that there is enough  
10 evidence to go to the jury on both charges, therefore the  
11 motion for directed verdict is denied. All right. Any  
12 other matters before I speak with your client concerning  
13 his right to testify?

14 MR. JONES: No, sir, Your Honor.

15 THE COURT: Mr. Bowler, if you will please stand for  
16 me, sir.

17 (The defendant was sworn.)

18 THE COURT: You can be seated, I'll let you stay there  
19 as long as you talk loud, okay? If not I'm going to have  
20 to have you come up here because there is a microphone up  
21 here, just make sure talk loud, okay?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, at this time, Mr. Bowler, I will  
24 explain certain rights that you have. If you don't  
25 understand anything I say please let me know, and if you

## CLOSING ARGUMENTS

1 phase of the trial, we will now proceed to closing  
2 arguments. I will ask that each one of you please listen  
3 carefully to the lawyers as they make their closing  
4 arguments to you. After their closing arguments that's  
5 when I will charge you the law as it pertains to the issues  
6 in this case, and you will then be given the chance this  
7 afternoon to start deliberating your verdict, okay? Please  
8 give every bit of attention you can to the lawyers at this  
9 time. Madam Solicitor?

10 MS. LIVELY: Thank you, Your Honor. Ladies and  
11 gentlemen, whenever I first talked to you and this case  
12 began I told you that anger is a motive for murder.  
13 Clearly there's no argument here that Mr. Wray was  
14 murdered, we all know this to be a fact. So now the only  
15 thing and the most important thing that's left is for all  
16 of you to come together with your verdict of guilty for the  
17 intentional malicious acts of the defendant, Jock Bowler,  
18 on the night of September 8th and for earlier that day when  
19 he pointed and presented a weapon at his own girlfriend,  
20 her mother, and his child. Now, one of the things that I  
21 do for myself just because I'm a visual person, if you  
22 notice there were a ton of pictures in this case, and also  
23 I like to kind of give you a little bit of help with all  
24 the information. Because when you have a case where there  
25 are so many witnesses testifying, there's so much



## CLOSING ARGUMENTS

1 information and you're not able to write it down, then you  
2 may go back into a jury room and somebody remembers  
3 something that another person doesn't remember, and I get  
4 that and I would expect that. So what I'm doing is I'm  
5 putting everything together from the points that I remember  
6 and -- you know, I've been emersed in this case longer than  
7 all of you have, of course, but you still have the  
8 difficult task of going through all of that information in  
9 order for you to make that decision, so I want to help you  
10 with that. I also remind you that when we started this  
11 case I told you, this was one of those kind of cases that  
12 literally if I would have been trying this case back in the  
13 eighties or the sixties we would not need CSI information  
14 or testing of DNA to prove this case. Boy, that sure would  
15 be nice. I have always wanted to be able to say like in  
16 the CSI moments that, yes and your DNA matches, and that is  
17 a good thing and it's something that we have in our  
18 processes of investigating these days. But if the DNA is  
19 not there, does it mean the crime didn't happen? Look at  
20 the hundreds of unsolved cases we have. But the good thing  
21 about what we have in this case, and it was like pulling  
22 teeth to get those people to get up on that stand and I  
23 think all of you noticed that, is we had an eye witness,  
24 and then from there we were able to piece together  
25 everything we needed to bring to you the guilty person who

## CLOSING ARGUMENTS

1 killed Faris Wray that day, to bring to you the person who  
2 had a weapon that day, had anger in his heart and was  
3 waving it around less than five hours before Faris Wray was  
4 shot and killed. So I want you to think about that while I  
5 go through some of the evidence with you. So there are two  
6 charges that you're actually considering here today against  
7 the defendant, and those charges are for murder, and the  
8 victim in that case, of course, is Faris Wray. You've  
9 heard us talk about that. You heard from Gene Wray, his  
10 father, and he died, or was killed the day before he was  
11 going to turn 25. Then we've got pointing and presenting a  
12 firearm. Stephanie Gore, who is the mother of Crystal  
13 Gore, and, of course, if you remember Crystal Gore is the  
14 mother of Cameron who is the child with Mr. Wray, and then  
15 also Jaquice, who is the child of the defendant. Now, who  
16 had motive to kill Faris? One of the things that His Honor  
17 is going to tell you, and this is the way our law works  
18 here in South Carolina, is that we do not have to prove  
19 motive to show murder, and we have to base it on the act  
20 itself and the resulting death. If I can show you based on  
21 the autopsy which we did, that he died as a result of a  
22 gunshot wound, if he didn't inflict it on himself or  
23 there's not some argument that there is an accident here  
24 then it's murder. And there hasn't been any evidence of  
25 self-defense, so it's murder. So you're there and I don't

## CLOSING ARGUMENTS

1 have to show you a motive. But in this particular case I  
2 could not let that go, because in order for you to  
3 understand the context of it, we're all human, most of us  
4 would hope that you wouldn't just go up to some stranger  
5 and just shoot them three or four times in the back just  
6 because you can. Unfortunately we know that we do live in  
7 a society where we hear that kind of stuff happening, but  
8 here I'm able to give you that motive, Crystal Gore. So  
9 let's think about it. Let's think about that anger, the  
10 anger that we have that we know for a fact happened with  
11 this particular case. When I first started talking about a  
12 motive I started with saying anger is the motive for  
13 murder. There was a lot of anger in this case. The first  
14 thing you heard from the defendant himself, "People think  
15 we have a beef with one another so they're probably saying  
16 it was me," that was in his own statement. So he comes in  
17 there, yes, he comes in there willingly, all right? Maybe  
18 because he felt that he'd gotten his story straight, or he  
19 was going to go ahead and try and just get them off his  
20 back by telling them just enough, just enough, and you  
21 know, they didn't arrest him that day because there was  
22 more investigation to be done, all right, more people to  
23 talk to. So then we hear from the defendant, "Well, Faris  
24 shot at me last year in October." Okay. Now, we're  
25 starting to hear, oh yeah, so there is little bit more of a

## CLOSING ARGUMENTS

1 beef, so it's not what people are telling us is a beef, now  
2 you're finally giving us a little bit more. And ladies and  
3 gentlemen, one of the things I've heard that is so true,  
4 when people are telling you just enough, whether they're  
5 lying to you or they're giving you what you want to hear,  
6 within those statements there's always seeds of the truth  
7 so you're starting to see bits and pieces from him from his  
8 own statement as to why there was anger there. Then he  
9 said, "Oh, there was that time he thought I put my baby  
10 mama out in front of his kid." All right. All of this is  
11 pulled straight out of his statement. So, in front of his  
12 kid, yeah. That child, Cameron, who is now without a  
13 father, was that one human being that will always tie  
14 Crystal Gore and Faris Wray together and he couldn't  
15 control that, he couldn't control it. And he brought that  
16 up as another thing, all right? So then we think about it,  
17 Crystal Gore tells us, "Yeah. After I started dating Jock  
18 Faris chased after her and he and Jock got into it." They  
19 were definitely not friends. I will tell you, that is  
20 about as good as it was going to get from Ms. Crystal Gore.  
21 Think about the bad position she was in. She has a child  
22 from somebody who was murdered by the man who she has  
23 another child with. I cannot imagine her situation, but  
24 the situation is even more sad for those children. So here  
25 we have a triangle and I don't like cliches, but you know

## CLOSING ARGUMENTS

1    what?  There's a reason why there are cliches out there is  
2    because usually it's the truth.  We have Ms. Gore.  She has  
3    had a relationship with two men, Faris Wray, who is  
4    unfortunately deceased, and then we've got the defendant.  
5    It is truly a typical triangle that leads from the two at  
6    the bottom fighting and continuing to struggle because of  
7    the woman at the top.  Because they both have children with  
8    this woman they are going to forever be linked unless he  
9    can do something about it, and on September 8th of 2010  
10   there started this whole roller coaster ride of anger with  
11   Crystal.  She had just had his baby.  And if you remember  
12   she said -- or Stephanie Gore said Cameron, which is the  
13   older child, jumps out of the car and runs inside, and when  
14   he comes back out and tells Stephanie that his mom is  
15   crying, that's whenever Stephanie goes in.  And you've got  
16   to imagine how mad he got, okay?  Not only is it Faris' son  
17   who has gone and told on him, then Crystal's mama comes in  
18   there again getting in their business.  So that is the  
19   mentality of the defendant on September the 8th, 2010.  He  
20   has already started on a path of anger, jealousy, lack of  
21   control from something that is going to continue to rise  
22   its head in his life for the rest of his life.  So what  
23   does he do that day?  He runs upstairs and he gets a gun,  
24   he presents it to Stephanie Gore, she feels threatened and  
25   Crystal, who just had a baby who is only a month old who

## CLOSING ARGUMENTS

1 Stephanie was holding, she felt threatened enough that she  
2 actually called 911 on the father of her child. Now, the  
3 defense will tell you she said she never saw the gun. Does  
4 this sound like an overall group of people who enjoy having  
5 the police be involved in their lives? I would say no. So  
6 what is reasonable and likely, and that is this woman,  
7 Crystal Gore, saw a gun, she had just had a baby, he  
8 threatened her mother, she called 911. Period. He leaves  
9 with the gun. We're moving on now, that was about 3:00 or  
10 4:00 in the afternoon on September the 8th. So here is the  
11 timeline of events, you can kind of see where we're going.  
12 You've got Faris and Crystal dated for a couple of years,  
13 Crystal gives birth to Cameron on March 18th of 2016, Faris  
14 and Crystal then break up and that's when she starts dating  
15 the defendant, Jock. We know for a fact because Crystal  
16 testified that Jaquice was born on August 11, 2010, okay?  
17 Remember, she said the baby was a little less than a month  
18 old whenever the whole pointing and presenting of the  
19 weapon occurred. Now, I've put a lot of stuff on here but  
20 the reason why is I want you to think about how clearly all  
21 of this happened on that day. Did he ever have the time to  
22 cool off and actually say, you know what? Maybe violence  
23 is not the way for me to resolve these issues. Maybe at  
24 some point he's thinking, "You know, I just need to chill  
25 with my friends, maybe that's where we are." So we know

## CLOSING ARGUMENTS

1 that there was a fight that happened, that's one of the  
2 charges that's in front of you, the pointing and presenting  
3 of a firearm. And according to Stephanie she felt  
4 threatened, the police were called, he leaves with a black  
5 gun in his hand. Now, the next thing that we know  
6 documenting what happened that day through law enforcement  
7 is at 9:08 a 911 call was made, Faris has been shot  
8 multiple times, which unfortunately he does end up dying as  
9 a result of that shot. Now, we know that there was --  
10 there had been a bunch of calls coming in. I had Detective  
11 Perry, who actually testified that they had a  
12 be-on-the-lookout for a black male, white T-shirt, blue  
13 jeans, hat, white do-rag, all of this information is  
14 flowing in 911, people are gathering around. Remember, he  
15 was saying it was one of those scenes where everybody in  
16 the neighborhood heard shots and they started -- once they  
17 realized they weren't going to get shot themselves then  
18 they started coming around to see what was going on. So  
19 Faris, he's taken to Charlotte Medical Center by helicopter  
20 and unfortunately he died before he could be actually  
21 treated in Charlotte, so his official time of death is  
22 10:37 p.m. Now, this is what we have is the very next day,  
23 you know, you can hear Jock's statement again if you need  
24 to, if you need to we've got all of this equipment still  
25 here from SLED to help you with some of the audio, but

## CLOSING ARGUMENTS

1   you're entitled to do that and it is in evidence, so I just  
2   want to make sure you know that. So anything you don't  
3   remember if you don't take my word for it then please feel  
4   free to ask us to play that for you. Now, the next morning  
5   we have a documented time, 7:49 a.m. Jock is interviewed by  
6   the police, now that's where I got some of the statements  
7   that I was just reading to you a minute ago where he was  
8   talking about how he was angry, some of the things that had  
9   happened in the past that would have led to him having this  
10   motive that I told you we didn't have to prove, but I think  
11   there's such overwhelming evidence of that you need it in a  
12   case like this. So the thing that was very important about  
13   what happened that next morning too, is you saw former  
14   Officer Hamacher come in here and say, "Yeah, I picked him  
15   up --" he knew nothing about the case except there was a  
16   shooting -- "but I didn't have anything to do with it, took  
17   him in there to be interviewed, and before he went in there  
18   he went to use the bathroom and then when he came back out  
19   he walked into the interview room." He said he walked in  
20   right after him, he had to use the bathroom and realized,  
21   "Well why is this do-rag here?" And then he realized, as  
22   he testified, he had that on whenever he walked in there  
23   and now it's in the trash. Coincidence? Did somebody else  
24   just throw a white do-rag into the waste basket? And  
25   that's the reason why that piece of evidence is so



## CLOSING ARGUMENTS

1 critical, because when you have that it specifically ties  
2 the defendant back to the description given by the eye  
3 witnesses, especially Dwight Land who had nothing to gain  
4 in this case. Y'all saw him testify, he didn't want to be  
5 here either, he specifically said he's the one that said  
6 that the shooter ran closest to him, that he saw the white  
7 do-rag on his head. Autopsy performed. And you've seen  
8 those pictures, I'm not going to show those pictures to you  
9 again here, I will talk to you about that in a minute. So  
10 we've got all of these people who were interviewed, okay?  
11 We've got Arthur Jennings, you remember him, he was the eye  
12 witness. Dwight Land, he also was an eye witness. Golden  
13 Dunifer, Cedric Jackson, E-boy and Coco. Now the ones that  
14 are listed, Golden Dunifer, Cedric Jackson, E-boy and Coco,  
15 were the ones who were in the car with Jock that night,  
16 okay? So I will tell you that you heard from Cedric  
17 Jackson, and I'm sure you could tell he didn't want to be  
18 here, he was the one that whenever I just started asking  
19 some background questions about Jock and Crystal, and the  
20 fact that she had just had a baby and he very interestingly  
21 enough looked at the Judge and said, "Can you just tell her  
22 to ask me questions about the trial?" So what we have is  
23 an indication of what took so long to get everyone together  
24 in one place to seek justice for this man, no one wanted to  
25 talk. So we drug them in here kicking and screaming,

## CLOSING ARGUMENTS

1 because the truth needed to be heard, not because I have  
2 nothing better to do, because you needed to hear it. Now,  
3 who puts Jock at the scene? Jock does. He says, "I was  
4 there, I saw Faris." Faris' statement to his cousin,  
5 Pauline Caldwell, "I got to get up, I got to get up, Jock  
6 shot me." Arthur Jennings, someone else who has nothing to  
7 gain by being here, actually is a little bit nervous about  
8 where this puts him in regards to having to come in here  
9 and testifying. And then Cedric Jackson, Jock's friend.  
10 Who was wearing a do-rag that matched the description given  
11 by Dwight Land of the shooter? Jock Bowler. Now, is it  
12 just such a coincidence that all of this is going on at the  
13 same time that Jock is there and he has this anger in his  
14 heart for Faris? No. We can use common sense, ladies and  
15 gentlemen, even if I don't have this on videotape. We can  
16 use simple common sense, and we can also use the  
17 information given to us by an eye witness person who knows  
18 both of them. Who had a gun on his person that day? Jock  
19 Bowler did. You heard from two witnesses, Stephanie Gore  
20 and Crystal Gore. Who lied about it? Jock did. "No, I  
21 didn't have no gun, no." And, you know, the thing that's  
22 really interesting? I listened to his statement again on  
23 my way to work this morning and every time that they start  
24 asking him like a real specific question about something  
25 with a shooting or about him having a gun, he laughs every

## CLOSING ARGUMENTS

1 time, and I didn't really pay attention to that before. So  
2 as I'm driving down the road -- I'm glad that no police saw  
3 me, because I started pulling out a piece of paper and I  
4 started marking every time I heard him laugh. Somebody  
5 just died, was shot and killed in a place where he was,  
6 this man is the father of a child who is half brothers to  
7 his kid and he's laughing. "No, I ain't have no gun." All  
8 right. Well, tell me who was with you. Tell me what was  
9 going on that night. He's laughing, I counted it, you can  
10 count for yourself, 20 times. The interview is only 20  
11 minutes. Forensic evidence. I put this up here because  
12 it's important for you to understand, we sent everything  
13 off we had, even the do-rag that we just sent off again  
14 that you heard about, we just did that in April, earlier  
15 this month. And here is the thing, I told you we left  
16 nothing, I mean, undone. I went back through it, we did  
17 it, you heard from Keith Lewis, we did everything we could.  
18 But here is the thing, if you don't have the weapon that  
19 was used to shoot and kill somebody then you don't have  
20 anything to compare it to. We don't have any shell casings  
21 to compare it to. Then on the GSR the timing was too long.  
22 And then we also know from hearing from the expert that if  
23 he was wearing a hat, which we know from Dwight Land that  
24 he was wearing a hat, then he would not have gotten any GSR  
25 on the do-rag, or it would be very unlikely. And then on

## CLOSING ARGUMENTS

1 the DNA that has been submitted, we didn't have the DNA  
2 person come and testify because there was no matches or no  
3 conclusions really, there was no testing they could do, and  
4 the reason why is because it's a mixture of three  
5 individuals, I took it right off the form, it's in  
6 evidence, you can read it yourself, due to an inability to  
7 calculate a statistic so no further interpretation will be  
8 offered. They returned everything to us without analysis.  
9 That's frustrating. You know, you want so bad for  
10 something to be there, and when it's not all I can do is  
11 tell you we tried, we did what we could and we're still  
12 with the same evidence that we had from the very beginning.  
13 And, you know, it would have been nice if we had something,  
14 but I was going forward with or without it. Because I  
15 still had the eye witness testimony, everybody that was  
16 consistent with what he was wearing, when he was running  
17 away from not only his friend, from Dwight Land and from  
18 Arthur Jennings who knew Jock, pointed him out in the  
19 courtroom and knew him back then and had known him for  
20 years. But that is the reason why I told you at the  
21 beginning of the case don't expect a CSI moment because I  
22 wanted you to listen very carefully to the testimony of all  
23 of the witnesses, that is this case. So here is our fact  
24 witnesses. I put biased and unbiased because I want to try  
25 to be as transparent as possible. So you heard from all of

## CLOSING ARGUMENTS

1 these people, and then you've got the unbiased, Arthur  
2 Jennings and Dwight Land. Why? They're not related. They  
3 are not somebody who came in the car with them. They are  
4 not somebody who has anything to gain in this case, that's  
5 the reason why I put them down as unbiased. So Arthur, he  
6 said, "I know Jock and Faris, known them for a long time."  
7 He said, "Yeah, I'm on the phone, I saw Jock and Faris at  
8 the edge of the railroad tracks," right? We all heard him  
9 say that, he pointed it out in the picture. He then said,  
10 "I saw Jock shoot Faris and then shoot him again while he  
11 was on the ground." That's about as powerful as it gets.  
12 So it wasn't the shots -- this is the other thing, it  
13 wasn't the shots that he looked and noticed, he actually  
14 noticed them before the shooting started, which to me is  
15 interesting because it is like there's no exciting moment  
16 to grab your attention. Remember, Cedric said, "I heard  
17 shots and I jumped on the ground." No, that wasn't it. He  
18 recognized them before the shooting even started, so  
19 imagine his shock when what he saw next was Jock shooting  
20 him. He was about 166 feet away, which is what my  
21 investigator actually went back out and did the  
22 measurements so you could see. He said, "I'm absolutely  
23 sure it was Jock Bowler." He has nothing to gain by  
24 testifying. He said he went five days later to talk to the  
25 police, he still didn't want to be involved, nobody wanted

## CLOSING ARGUMENTS

1 to talk to the police that night. That's a scary thing,  
2 somebody was just shot and killed in the back, as cold  
3 blooded as you can get and then they run off and they  
4 haven't been found yet. Everybody is listening, "Has  
5 anybody been arrested?" Do you want to say, "I would like  
6 to come forward and say it was Jock Bowler and take my  
7 chances?" Not in the small little town of Chester where  
8 everybody knows everybody. Remember what Cedric said,  
9 "That's just Chester, that's just Chester." I mean, to me  
10 if someone is shot and killed, it's not about the town,  
11 it's about the person. So once again he gave us some  
12 clothing that night, white T-shirt and jeans. All right.  
13 So here is where he said he was, remember? He kept  
14 pointing to that blue car, that's where he was standing, he  
15 was on the phone. Then I said, "Okay. See that blue car  
16 again, it's still there, the orange marker down here in the  
17 bottom and the tracks, is that about where Faris was  
18 whenever he was shot? Yes, it is." You can see for  
19 yourself, nothing blocking his view, no trees blocking his  
20 view at all. He knew exactly what he was seeing. Now,  
21 Dwight Land. He's driving through the area, he sees two  
22 men standing on York Street too, so that would be the same  
23 thing that Arthur saw before the shooting, he didn't pay  
24 him any attention either. The next thing he knows he hears  
25 gunshots, looks over, he sees Faris get shot three more

## CLOSING ARGUMENTS

1 times while he is on the ground, the shooter runs away.  
2 And this is really critical because this is the first time  
3 from the only witness that we hear, we heard white T-shirt,  
4 we heard that from Arthur Jennings who recognized it was  
5 Jock, white T-shirt, dark blue jeans, and he also says a  
6 hat and a rag on his head. Perry and Burley McDaniel, they  
7 know at this point, all right? They know to ask him  
8 because that white do-rag had been picked up the day after,  
9 and Dwight went in a couple of days after that. "What  
10 color was that do-rag? It was white." He gets out of the  
11 car, stays with Faris. And here is the thing, here is  
12 where we started to piece together that maybe there's  
13 another witness out there that we really need to get in  
14 contact with, he says, "I saw a female there's, his cousin  
15 I think it was, because she was sitting there. She was  
16 actually talking to him while we were waiting for the  
17 ambulance to come." After much hard work and trying to  
18 find who this cousin was, we were able to learn it was  
19 Pauline Caldwell who came in here and told you that Jock --  
20 that Faris told her Jock had just shot him. Cedric  
21 Jackson, he admits that they were all there. He admits  
22 that he got out of the car. Now, here is part of the  
23 timeframe that I think is so critical for y'all to  
24 understand here, too. Who had opportunity? That's really  
25 something we haven't talked a lot about, but that's

## CLOSING ARGUMENTS

1 something that you need to think about. All of them are  
2 there, he admits that he got out of the car and went into  
3 the store, who did he see at the microwave? It was Faris,  
4 and he pointed it out to me and he was very happy to tell  
5 me that. He said, "I paid and left the store and Faris was  
6 still in there waiting on his food," so now we have Cedric  
7 coming out. He said he saw Golden who was driving that  
8 gold Honda, he said, "Yeah man, I'm straight," meaning I'm  
9 not getting back in the car with y'all, I'm leaving, he was  
10 going to start walking towards the railroad tracks to go  
11 see some family members. And then within seconds or a  
12 minute -- now I put that in there because I want you to  
13 look, we know from the edge of the store, 141 feet to where  
14 it was that Faris' body was found, okay? So right there --  
15 and here we have the railroad tracks, very close. He says,  
16 "I just crossed the tracks," within seconds or a minute he  
17 hears a shot and drops to the ground, okay? He sees the  
18 shooter running off and he also says with a white T-shirt  
19 and jeans, okay? So now we have three witnesses who are  
20 giving us this, one of them who says he knows Jock Bowler.  
21 He runs over to Faris and he also says a woman is talking  
22 to Faris while he's laying on the ground. So here it is,  
23 he's at the microwave store, the store is right here, Faris  
24 is still standing there, he goes outside the store. This  
25 is looking toward the railroad tracks here, all right, to



## CLOSING ARGUMENTS

1 the edge of the store. Look how far it is, it isn't that  
2 far, remember, it's only 141 feet. Now, here we are, he's  
3 walked a little further, and what are we seeing here? Huge  
4 light right here before you get to the railroad tracks, and  
5 this blue car -- and it's hard to see but that's what's  
6 there, you have the evidence yourself, that's over there  
7 where Mr. Jennings is. And then here -- we're looking back  
8 at the store and that orange marker, that's where Faris was  
9 shot. So from the time that Cedric walked out of that  
10 door, walked past the side of the store, was walking here,  
11 crossed over the tracks and he hears gunshots, 141 feet. A  
12 young healthy man walking, and then all of the sudden, bam,  
13 he hears the shots, that couldn't have been long. And not  
14 only that, when you think about it since he had left before  
15 Faris even got finished at the microwave there would have  
16 been a little bit of time before Faris walked out of that  
17 store, so that would have given him a little bit of time  
18 before Faris got moving. And then here is the thing that I  
19 think you need to think about -- I'm going to back up here.  
20 Jock tells you, "I jumped out the car to take a leak on the  
21 side of the store." The only side of the store that you  
22 can actually get out and take a leak on is this side,  
23 because on the other side it's blocked off with a fence.  
24 So the only thing he could -- only place he could have gone  
25 to take a leak was right there. Here is what I submit to

## CLOSING ARGUMENTS

1 you because this is my theory of what happened, but it  
2 really does make sense, see it for what you see it. He  
3 jumps out to take a leak, Cedric comes out, "Yo man, I'm  
4 straight, I don't need a ride." He starts walking, he gets  
5 on the phone. Remember, he said he was on the phone when  
6 he heard the shots. Jock is on that side of the store  
7 taking a leak, and Faris Wray, no alcohol, nothing in his  
8 system, eating, getting some food, minding his own business  
9 is walking out of the store, and who does he run into on  
10 the other side of that wall taking a leak by himself, mad,  
11 having been drinking all day, and he sees the one man that  
12 he thinks is the reason for all of his problems. He sees  
13 him, he chases after him, confronts him and shoots him that  
14 quick. And he tells you that "I was there, we were all  
15 there, I saw Faris walk into the store." And then Cedric  
16 Jackson, who he refers to as Dirk in his interview, got out  
17 of the car and goes into the store. Cedric comes back out  
18 and says "Yo man, I'm straight," and he walks off, "I jump  
19 out of the car to take a leak." Within every statement  
20 there is seeds of the truth. Yeah, he jumped out of the  
21 car to take a leak, but he won't tell us anything else,  
22 because if he did he would be telling them what you know in  
23 your heart, and that is when he was out with that gun in  
24 his pocket or his waistband or wherever it was from earlier  
25 that day he saw that opportunity and he used it. So all of

## CLOSING ARGUMENTS

1 the eye witnesses, shooter was wearing a white T-shirt and  
2 blue jeans, all of them say that, okay? Arthur Jennings  
3 says "And it was Jock Bowler." Then we have got Dwight  
4 Land, he got the closest look, shooter, wearing hat and a  
5 white do-rag along with all the other. Pauline, she didn't  
6 give a statement until this year, I told you that, didn't  
7 want to testify. When she got there where Faris was --  
8 remember, she showed you where she was living, I'll show  
9 you how close he was, she kept telling him to stay down.  
10 "I got to get up, I got to get to Jock, Jock shot me." She  
11 clearly heard that. Do you remember when she said that he  
12 had been shot seven times? Do you understand now why she  
13 thinks he was shot seven times? It's exactly what Dr. Hart  
14 told you, and he had six wounds, he had six holes in his  
15 body. Now, whether or not it was actually that many entry  
16 and exit, now all of us know what that means, but what do  
17 you think a cousin who is sitting here watching her cousin  
18 bleeding on the street is going to think? I'm surprised  
19 she doesn't say ten or 15, you know, you exaggerate during  
20 the heat of just this horrible moment, I'm amazed that she  
21 got it that close. So she said he'd been shot seven times,  
22 so now we know why that's not unreasonable. Here is where  
23 she was, that's where she lives. She ran up that street  
24 and bam, there she is. That's where tall -- where the  
25 white truck is behind it, that's where Faris was found, she

## CLOSING ARGUMENTS

1 didn't have far to go at all. Now, the autopsy. Like I  
2 said, I'm not going to show you the picture, they are in  
3 evidence if you want to look at it. He was shot while on  
4 the ground, that is the expert opinion, you can believe  
5 whatever you want. Are there other possibilities?  
6 Absolutely. But what is reasonable is what we're asking  
7 you to consider. He was shot while he was on the ground  
8 defenseless, no defense wounds, nothing that we could tell  
9 where he even had the opportunity to try and defend  
10 himself. The belief of our expert is that he was actually  
11 shot three or four times. He gave his expert opinion on  
12 how the shooter would be standing within two feet while  
13 Faris was on the ground. Malice, hate, ill-will, not once,  
14 not twice but at least three times, maybe four. So here is  
15 where it all comes together. Your Honor is going to give  
16 you the law. Everything that you've heard this past few  
17 days, the evidence that's in front of you, every piece of  
18 everything that was taken from the body of Faris Wray from  
19 anywhere we could get it to bring it into this courtroom  
20 for you to make the right decision you have seen it and you  
21 have heard it. The killing of a person with malice  
22 aforethought express or implied the Judge is going to talk  
23 to you about, the State has met their burden beyond a  
24 reasonable doubt. So when they start to tell you beyond  
25 this and possibilities, yeah, but that would also require

## CLOSING ARGUMENTS

1 you to throw out common sense and the whole picture and  
2 just look at -- we don't look at things individually, we  
3 look at the entire picture, and the entire picture here,  
4 there is no question about the person that had opportunity,  
5 had a gun, had hate in their heart who wanted to get rid of  
6 Faris Wray and who had that very split second opportunity  
7 to do it. The Judge is also going to tell you that you can  
8 infer or that you can assume malice by the fact that  
9 someone used a weapon unjustifiably to shoot and kill  
10 someone. We have all of that. And you have the evidence,  
11 he died from multiple gunshot wounds. He had a weapon five  
12 hours before the shooting. Malice, anger. Pointing and  
13 presenting, I've already talked to you about this, I'm not  
14 going to go through it again, but I want you to look at the  
15 bottom statement. Jock Bowler has a gun and he's fixin' to  
16 shoot my mom. They were both in fear for their life. So  
17 here is what I'm asking you, all of this evidence goes back  
18 to all of you to consider, every bit of it is something I  
19 want you to take the time to look at and really think about  
20 it. Who else that night in that area with a gun on them  
21 had hate and anger in their heart to shoot and kill Faris  
22 Wray in the back? Jock Bowler is the only one. Arthur  
23 Jennings told you that. Dwight Land didn't know he was  
24 telling you that but he did. The do-rag that had a mixture  
25 of whatever, I don't know how many people were wearing the

## CLOSING ARGUMENTS

1 do-rag, it doesn't matter to me, but we know it was on his  
2 head because he took it off before he went in that  
3 interview room. "Oh, crap I changed all of my clothes but  
4 I forgot about the do-rag." At least he did it before he  
5 walked in there, but thank goodness Henry was watching him.  
6 Motive, malice, opportunity, access to a gun and you've got  
7 eye witnesses. I wanted to break everything down for you  
8 because it's a lot of information, and a lot of the  
9 information that we gave to you unfortunately I gave it to  
10 you because to tell you we tried and there was nothing  
11 there. But there is more than enough for you to find him  
12 guilty on murder and on pointing and presenting that gun  
13 earlier that day before he used that same weapon to kill  
14 Faris Wray. Thank you so much for listening to all of  
15 that. I wanted to give everything to you in a package and  
16 I hope that you consider everything, take your time and  
17 come back with a verdict of guilty on both charges for what  
18 Jock Bowler did, the terror that he had all day on  
19 September 8th of 2010.

20 THE COURT: Thank you, Madam Solicitor. Mr. Jones?

21 MR. JONES: So ladies and gentlemen, I started off  
22 talking about going to my grandmother's house at Easter and  
23 playing the simple game of telephone with a couple of my  
24 cousins, and the phrase that we passed around was babies  
25 diapers cost too much cash. Now, just with about 10 of us

## CLOSING ARGUMENTS

1 in the room that got around the room, and by the time it  
2 was done, the person that said the last sentence at the end  
3 said, "The babies diapers will cause a rash," something  
4 completely different. It kind of sounds the same but it is  
5 something completely different. Now, you might be asking  
6 why am I talking about stories about telephones when we're  
7 here for a murder case, there is a dead person and we're  
8 talking about games and cousins at Easter? The point of  
9 that story is because it's important to gather all evidence  
10 as soon as possible especially in a case like this, because  
11 what starts to happen is people talk, things get said,  
12 things get passed on the streets. I'm from a small town  
13 and what they used to say is the streets talk, the streets  
14 start to talk. The streets started talking the night that  
15 this incident happened, and once that starts to happen the  
16 story starts circulating regardless of whether or not it's  
17 true, and it's important to talk to people immediately at  
18 the time, not say seven years later, especially if that  
19 person is a critical witness in the case. But before we  
20 get really into the incident that happened that night,  
21 September 8th, the solicitor has talked a lot about what  
22 happened earlier that day with the pointing and presenting  
23 charge so I will talk about that a little bit first. First  
24 I would say to you, you should really think about these two  
25 incidents as two completely and separate different things,

## CLOSING ARGUMENTS

1    okay? And I know that the State's theory of the case is  
2    that Mr. Bowler was so upset after that argument with his  
3    girlfriend, Ms. Gore, that he couldn't help himself, he was  
4    angry, he saw Faris later in the day and he shot him in  
5    anger. Okay. Well, let's think about what you heard from  
6    the two Ms. Gores. They were arguing about a light bill,  
7    they weren't arguing about Faris Wray, they weren't arguing  
8    about kids, they were arguing about a light bill. Ms.  
9    Stephanie Gore gets to the house, finds out that her  
10   daughter, Crystal, is upstairs and she's crying and she's  
11   upset and said when she was on that stand that she was  
12   tired of dealing with Mr. Bowler, she wanted him out of the  
13   house. She also said or asked the question "What reason  
14   would I have to make this up?" Well the reason is you want  
15   him out, you said it a number of times, you want him out of  
16   the house, you're tired of him and your daughter arguing  
17   all the time, you don't think he treats her right, you say  
18   get out of the house. And now she says he went upstairs,  
19   came downstairs, as he comes downstairs she's holding his  
20   baby and he threatens her with a firearm. Now, if the  
21   whole idea is he cares about his family and he loves his  
22   family, he loves Ms. Crystal Gore, he cares about their  
23   kids and he wants to be the man of the house and he doesn't  
24   want to have to deal with Faris, then how much sense would  
25   it make for him to point a gun at his own child or threaten



## CLOSING ARGUMENTS

1 his own child with a gun, or the mother of his child for  
2 that instance? Because Ms. Crystal Gore is standing in  
3 front of Stephanie Gore, that just doesn't make any sense.  
4 And then she says he went outside and fired the gun, fired  
5 it off then. And then when you heard Detective Perry doing  
6 his interview -- you will listen to the interview again I'm  
7 sure, he said that the report was that they heard that he  
8 fired the gun into the ground. Now, the thing happens when  
9 you fire a gun, bullets come out of it. You're in a  
10 pristine environment at somebody's apartment complex, a gun  
11 gets shot right outside of the apartment complex, and we  
12 know that that gun -- it's the same gun that they're  
13 alleging was used in the shooting, we know that the gun  
14 would be a 380 because what they're saying. They're saying  
15 that it was an automatic 380 that he had that day, he had  
16 an automatic 380 later that night. Now, what they're  
17 saying is he went out, shot that gun into the air or into  
18 the ground, somewhere, it should lodge, it should leave a  
19 shell casing, and Detective Perry testified to that. If he  
20 had actually done the thing that they said that he did  
21 earlier that day you would have some physical evidence.  
22 Because the thing is it's not there's, no forensic evidence  
23 in this case, that's not true, there's just no forensic  
24 evidence that points to my client. There's plenty of  
25 evidence, it just doesn't say that he did it and that's the

## CLOSING ARGUMENTS

1 State's theory of the case. Now, let's just fast forward  
2 to this day. So my client is there, they get in an  
3 argument, he leaves because he's asked to leave and the  
4 police are called. No gun is ever recovered, no shell  
5 casings are recovered, no bullets are recovered. Now, Ms.  
6 Crystal Gore got on the stand and said she did not see a  
7 gun. At this point what is she supposed to do, get on the  
8 stand and say her mom is lying? She never said she saw a  
9 gun, she never gave a written statement that she saw a gun,  
10 all she did say when she called 911 is "He's fixin' to  
11 shoot my mama." She never said she saw a gun. All she  
12 wanted was for Mr. Bowler to leave the house and he did,  
13 they got what they wanted. But fast forward through the  
14 day. The State's theory is because they were arguing over  
15 a light bill and my client left to get away from all this,  
16 that he comes back and sees Faris walking. He and his  
17 girlfriend argued over a light bill and he decides that  
18 this is the day that I'm going to shoot someone. Nevermind  
19 the fact that it has been years since Ms. Gore and Mr. Wray  
20 were together, this isn't like a recent breakup, it's not  
21 like it just happened, they've been living in this same  
22 situation for years. It doesn't make any sense that today  
23 is the day that, "You know what? I'm just going to shoot  
24 somebody." It is a small town, it is Chester. This is not  
25 the first time they've seen each other since Mr. Bowler's

## CLOSING ARGUMENTS

1 relationship started with Mr. Gore, it is just this random  
2 day he decides that he wants to go shoot him because they  
3 argued about a light bill? That doesn't make sense. What  
4 I would ask you to do is to think about the facts of this  
5 case and think about them individually, not as one incident  
6 because it's not one incident, four or five hours apart is  
7 not the same time, it's not right there. You don't have  
8 any proof that he had a gun earlier in the day, there is no  
9 physical evidence showing that he had a gun later in the  
10 day, and the motive frankly does not make sense. You don't  
11 shoot people over light bills that has nothing to do with  
12 the argument. If they had gotten on the stand and said  
13 that Mr. Bowler and Ms. Gore were arguing about Faris then  
14 this theory would maybe make sense, but he had nothing to  
15 do with the content of their argument. But let's fast  
16 forward a little bit further into the night when the  
17 shooting actually happens and let's set the scene a little  
18 bit. We've heard that it's busy and it's kind of dark, and  
19 we do see that there was some street lights somewhere in  
20 the area but we don't have any idea about the condition of  
21 those street lights at the time, whether or not all of  
22 those street lights were there when this shooting happened,  
23 because we don't have any picture from the night of the  
24 incident, no pictures from the night the incident took  
25 place. You saw pictures seven years later in broad

## CLOSING ARGUMENTS

1 daylight where everything is crystal clear and everybody  
2 presumably would be sober now. Mr. Jennings got on the  
3 stand said had he not been drinking that day. I will posit  
4 to you, and you get to judge that credibility, there was a  
5 reason Mr. Frick asked him that question a number of  
6 questions, there's a reason the solicitor asked him that  
7 question a number of times, and you can judge for yourself  
8 if you think that that time of the evening that man was  
9 sober. You can ask yourself what he was doing sitting  
10 outside on the phone for 20 minutes, not in his yard but  
11 somebody else's yard, that's your decision to make. You  
12 think about that. You get to take your common sense  
13 experience with you. But this man on the phone doing  
14 whatever else he was doing, sober or not if you believe he  
15 was sober, sees my client run up to Faris and shoot him.  
16 And we keep talking about 165 feet like that's not that  
17 far, that's over half a football field. So half a football  
18 field away he sees my client run up and shoot someone,  
19 can't tell you that my client had on a hat, can't tell you  
20 if he had on a rag, at first couldn't remember if the  
21 T-shirt was white, all he can tell you was it was Mr.  
22 Bowler. Ask yourself if that makes any sense whatsoever.  
23 "I remember nothing about this night, can't tell you what  
24 time it was, can't tell you what direction Mr. Wray was  
25 walking from, can't tell you what direction Mr. Bowler came

## CLOSING ARGUMENTS

1 from, can't really tell you what he was wearing. All I can  
2 tell you is I saw a gun and he shot him and then he ran off  
3 down the street." That's not what happened, ladies and  
4 gentlemen, he didn't see anything. Mr. Jennings wasn't  
5 paying attention to what was going on across the street, he  
6 was handling his own business, whatever his business was  
7 and whatever state of mind he was, that's what he was  
8 concerned about. He heard shots and looked up said, "Oh  
9 wow, somebody just got shot, what happened?" Now, he says  
10 he saw someone running down the street, and Mr. Dwight Land  
11 says the same thing, and by the time Mr. Dwight Land says  
12 this same thing he says it to the police. And he went in  
13 and gave a statement to them, and you heard him testify  
14 about that statement and heard him testify, and he said  
15 that very clearly he could see the shooter run by him, he  
16 had to slowdown to let him pass. Now, if I were a police  
17 officer, an experienced police officer investigating a  
18 murder, at that point common sense kicks in and you say,  
19 "Well, I guess I should show this person a lineup. He just  
20 told me he had a clear line of sight of a suspect, the  
21 suspect ran right past him, he had to slow up and let the  
22 suspect pass and gave me a description of the suspect's  
23 clothing." But they didn't do that. The best witness they  
24 had that saw this crime, they never even showed him a  
25 lineup of who it was that did it. That's something that

## CLOSING ARGUMENTS

1 they were supposed to give you, because when we come here  
2 word on the street is one thing, okay? The streets can  
3 talk but that's not evidence in a court of law. What's  
4 evidence in a court of law are the things that are  
5 presented to you by the State to convince you of someone's  
6 guilt, and they've not given you the tools to do that here  
7 today, they have not provided you with the necessary  
8 evidence. What they've provided you with is they didn't  
9 like each, he was close by, he must have shot him. Ladies  
10 and gentlemen, that is not enough to reach a reasonable  
11 doubt standard. Saying they don't like each other, he must  
12 have done it, that's barely a motive let alone evidence,  
13 okay? Let's think about what can happen that night,  
14 because you heard -- you're going to hear that interview  
15 again and you're going to hear Detective Burley talk to my  
16 client trying to elicit some information from him and try  
17 to find out if he was in the area. And Detective Burley  
18 was another one of the lead investigators in this case who  
19 oddly enough never got before you to testify, that's  
20 another piece of evidence that the State should have given  
21 you, they should have brought in the investigators that  
22 actually worked the case. They only gave you one though,  
23 not the person who said he was talking to people on the  
24 scene immediately thereafter, he never even took the stand  
25 to talk to you guys, okay? But that's an issue for another

## CLOSING ARGUMENTS

1 day. He's talking to my client and there are rumors  
2 there's a gold Honda pulling off, and what happens is Mr.  
3 Bowler is in the area, Mr. Bowler is in the gold Honda and  
4 somebody sees that gold Honda and they see Mr. Wray get  
5 shot and they say, "Wow, Faris just got shot, who would  
6 want to do something like that?" Then they say, "Well, I  
7 saw J. C. and his cousins, I bet you it was them," and then  
8 somebody else says, "I saw somebody else running down the  
9 street." And before you know it you end up with a story  
10 from somebody that says, "Well, it was J. C. Bowler and he  
11 ran off down the street." Nevermind the fact that there  
12 were a bunch of different versions of what went on. The  
13 only thing people knew is J. C. was around and they had had  
14 problems before years back and so his name gets brought up  
15 in the situation. He willingly turned himself in to go  
16 give a statement to the police. That is not the behavior  
17 of a person running from justice, he went to go talk to  
18 them, he walked in the door to go talk to them. His name  
19 came up, he went to go address it. And the solicitor  
20 mentioned the fact he laughed a couple of times, and yes,  
21 he did laugh, I can't deny that he laughed a couple of  
22 times when he got nervous, but Jesus, he's in the room  
23 talking to the police because they think he murdered a  
24 person. I would struggle to think of a person that  
25 wouldn't be a little bit nervous in that situation, that is

## CLOSING ARGUMENTS

1 a very scary situation. Your name has come up involved in  
2 a murder and you're trying to talk to the police and tell  
3 them, "I didn't do this. I understand people said we had  
4 some problems awhile ago but I don't have any reason to  
5 kill this guy, I don't hate him. If this was going to  
6 happen it would have happened a long time ago when we were  
7 actually in a conflict with each other. I don't have  
8 anything else against the guy." And in fact, you heard Mr.  
9 Wray's father take the stand and say to the best of his  
10 knowledge Mr. Bowler and his son didn't have any issues,  
11 never heard of them having problems, never heard of them  
12 having any kind of issues. And the solicitor mentioned  
13 Cedric Johnson and his testimony a couple of times and  
14 let's think about what Cedric actually said on the stand.  
15 No, he did not want to be here, that part is true. But he  
16 also said that he knew my client and he said he knew the  
17 victim, and I am going to say the victim because it is a  
18 very sad situation and I don't want to step away from the  
19 fact that someone died. And I understand that you're going  
20 to go back and you're going to see some autopsy pictures  
21 and those pictures are going to be disturbing. I was  
22 talking to another few attorneys this morning and I kind of  
23 relived the first time I saw pictures like that and how  
24 much it bothered me and shook me, and I understand it's  
25 going to bother you guys when you look at them. But do not



## CLOSING ARGUMENTS

1 let the fact that you're going to be bothered by that --  
2 you're going to have the natural reaction to want to see  
3 vengeance for family distract you from what your job is  
4 today and that is to give justice and a fair hearing to the  
5 facts, and they have to give you the facts that support the  
6 verdict that they want you to come back with. My client  
7 didn't commit any shooting. Cedric Jackson said that he  
8 got out of the car, he went in the store, he came out, saw  
9 everybody in the Honda and, "Hey, I'm straight, y'all can  
10 go ahead, and they left, and they left. He saw all of this  
11 and then the shooter run off and he said he saw everyone  
12 else in the car already. This isn't as if they're buddies  
13 and he hated Faris and had a thing out for Faris, they all  
14 knew each other. He was friends with Faris, he knew Faris,  
15 Faris talked to him about buying a new car that day. This  
16 is not a person that is a stranger off the street and he  
17 has no idea who he is and he's like, "You know what? He  
18 shouldn't have got shot but I don't really care that much,  
19 whatever." That was his friend, and had he known who it  
20 was he would have said who it was. Had he been shown a  
21 photo lineup of a few possible other suspects he may would  
22 have told you who it was, but it wasn't Mr. Bowler. Now  
23 Dwight Land, he had no interest in testifying about  
24 anything, he gave a very good description and he said that  
25 the shooter had a hat on and a rag. Okay. Now, the expert

## CLOSING ARGUMENTS

1 from the State got up and talked about the GSR and he  
2 talked about the fact that if you fire from a 380 automatic  
3 gun as the bullets that were found here there's a cartridge  
4 here that shoots out and when that happens residue comes  
5 out. Now, Mr. Bowler didn't have any residue on his hands,  
6 that's true, and because they did not expect to find any  
7 residue on his hands they didn't even bother to test it.  
8 You know what they did test? That do-rag. Because despite  
9 what they said, the witness said that he saw the do-rag  
10 exposed. If the do-rag is exposed and I have the gun right  
11 here, it's exposed so that it can get gunshot residue on  
12 it. He didn't say it had one of the particles, he said it  
13 had none, nothing on the do-rag whatsoever. If they didn't  
14 expect to find something they wouldn't have tested it, it's  
15 really that simple. They tested it because they expected  
16 to find something because that's a thing that you can find.  
17 He said that sometimes if you wash an article of clothing  
18 that that stuff might wash off, but the thing is there were  
19 three different people's DNA on that clothing. We don't  
20 have -- we never got a DNA expert in here to talk about  
21 DNA, you just have to use your common experience and decide  
22 whether or not you think that if an item were washed it  
23 would have three different people's DNA on it. This rag  
24 had three different people's DNA, I'm arguing to you that  
25 thing wasn't washed, it was exposed and if my client had

## CLOSING ARGUMENTS

1    been the shooter they would have found gunshot residue on  
2    it, that's why they tested it. They didn't find any so now  
3    we're pretending like it's not that big of a deal, but it  
4    is that big of a deal, it matters because certain happen  
5    physically. When a gun goes off it produces gunshot  
6    residue, my client didn't have gunshot residue on his  
7    do-rag. And we're talking about white T-shirt and blue  
8    jeans which might be the most generic outfit I could think  
9    of on the planet. I mean, to say that at 9:00 at night in  
10   Chester County there was a black male with a white shirt  
11   and blue jeans is about as generic of a description as you  
12   can get. And I don't say this to be flippant, but the  
13   victim himself had on some jeans and a white T-shirt, there  
14   were at least two people there wearing that and I would  
15   posit to you probably more if we had talked to more people  
16   from there coming in. Now, we talked about Ms. Caldwell  
17   and her testimony, and Solicitor Lively talked about how  
18   they had to go track her down and had to do a lot of hard  
19   work to figure out who it was that was spoken about in the  
20   interview and how hard it was to find her, but then in the  
21   next sentence they talk about how she was maybe five  
22   minutes away from the store and she got there almost  
23   immediately. If she was five minutes away from the store  
24   it does not take someone seven years to be located when  
25   they're five minutes away from the incident location

## CLOSING ARGUMENTS

1 especially when they're described as the cousin of the  
2 victim. The town is not that big. You can find who these  
3 people are, you can talk with that witness, and what you  
4 should do is talk to that witness almost immediately  
5 thereafter. You don't give it seven years for the streets  
6 to chatter, to come in here, because again, you get to  
7 judge credibility and you can decide how impressionable you  
8 think Ms. Caldwell may have been. It has been six or seven  
9 years since this happened, and she said that she hadn't  
10 talked to anybody about what happened, she hadn't talked to  
11 her family member, she hadn't talked about anyone. And  
12 again, ladies and gentlemen, you have to decide the  
13 credibility of the witnesses and whether or not you believe  
14 things that they're saying. I imagine it has been  
15 difficult for you guys not to talk about it with people in  
16 your family over these past three days that you have been  
17 here, and that's three days, she's talking about seven  
18 years where she walked on the scene and saw her cousin  
19 dying and she hasn't talked to anyone about it, hasn't  
20 heard anything about it, hasn't had her opinion influenced  
21 by anyone else outside? That doesn't meet the smell test,  
22 ladies and gentlemen. My client is innocent, he did not do  
23 the thing he's accused of doing. He didn't shoot anyone,  
24 didn't have a gun earlier that day. The idea is to paint a  
25 picture of this man on a rampage, he's angry, he's

## CLOSING ARGUMENTS

1     drinking, he can't stand Faris Wray, he's had enough, he's  
2     going to go kill somebody. In fact, the man had an  
3     argument with his girlfriend about bills and went to his  
4     cousin's and his friends, the kind of thing that I think  
5     anybody might do on a bad day, he went to go hang out with  
6     his cousins. And it's not a big deal that he went to Rock  
7     Hill, that's a few minutes up the road, he went to go hang  
8     out at his first cousin's apartment and then he came back  
9     home, that's it. But he's in such a rage because of an  
10    argument about the bills he sees someone else as he's using  
11    the restroom and decides, "I'm going to go shoot this man."  
12    Ladies and gentlemen, it just doesn't make any sense.  
13    There's no physical evidence pointing to it. The only eye  
14    witness that we have pointing to it is a man who again, you  
15    decide whether or not he can really what he says he saw,  
16    whether or not he was really sober as he was so adamant  
17    that he was when he took the stand today, you decide his  
18    credibility, and another witness who was five minutes down  
19    the street, it took seven years for the State to talk to.  
20    And I don't mean to keep harping on the fact that this was  
21    such a long time ago because I know it was a long time ago  
22    but it is still significant, there was a wide gap and I  
23    understand that, but old cases get old for a reason, that's  
24    a saying that we have. There are reasons that this case  
25    got old, the evidence just isn't there. There's

## CLOSING ARGUMENTS

1 conjecture, there's the word on the street that they don't  
2 like each other, they had a beef a long time ago, nobody  
3 knows if they are still beefing, but at some point they had  
4 issues with each other, he must have been the one who did  
5 it, he was close by. But ladies and gentlemen, this is --  
6 obviously they talked about how much traffic there was, it  
7 is a popular week in Chester on the weekends. It's  
8 nighttime, people were hanging out, there are a lot of  
9 people there, Ms. Caldwell said it, everyone said it, there  
10 were a lot of people there. It could have been anyone.  
11 There was a black male in white jeans -- I'm sorry, in a  
12 white t-shirt and some jeans, that is our description. A  
13 do-rag is not that significant of a thing, it's not like  
14 one person in Chester wears a do-rag, that is not an  
15 unusual article of clothing. My client did everything he  
16 could to clear his name, we're here today and he's begging  
17 you to give a fair accounting of these facts. I understand  
18 that you're going to naturally want to give some closer and  
19 vindication to the family, I'm not saying they don't  
20 deserve that, but the other thing that you have got to do  
21 is to make sure that you remember that my client is  
22 innocent period, and in this courtroom specifically he is  
23 innocent until the State proves him guilty. The Judge is  
24 going to talk about a cloak of innocence and it's their job  
25 to take it off him and they have not done that, ladies and

## CLOSING ARGUMENTS

1 gentlemen. He did no wrong. He argued with his  
2 girlfriend, I'll posit he never pointed a gun at anyone, he  
3 never had pointed or presented with Ms. Stephanie or  
4 Crystal Gore. She got up here and said today she never --  
5 or the other day she never saw a gun. Again, she's not  
6 going to say her mom is lying but she's telling you, "I  
7 didn't see a gun." She called the cops to get him out the  
8 house because her mama and my client were arguing and  
9 wouldn't stop and somebody had to go and it wasn't going to  
10 be her mama. That's it, it's not that complicated. They  
11 had argued about bills, couples argue and later that night  
12 a tragedy happened, but those two things are not related.  
13 That is the whole theory of the State's case, that he has  
14 malice in his heart and he's angry, that is not the case.  
15 They are two completely unrelated incidents, and I  
16 challenge you to think about them that way. They have  
17 nothing to do with each other. And the shooting, if you  
18 just look at the shooting by itself and you take away this  
19 bills argument and you just look at what happened in the  
20 shooting and the evidence that we have, it's not my client.  
21 There's not really anything saying it's my client but one  
22 person and then a cousin who seven years later comes in and  
23 gives a statement, and I hate to keep harping on that but  
24 again, she was five minutes down the road. They could have  
25 talked to her at any point during the past seven years and

## CLOSING ARGUMENTS

1 they waited until almost time for trial. Just give him a  
2 fair accounting of facts, think about the evidence that  
3 you've seen presented to you and I am confident that when  
4 you come back you will come back with a verdict of not  
5 guilty. Thank you.

6 THE COURT: Thank you, Mr. Jones. Madam Forelady, do  
7 y'all want to take a little break before I charge you the  
8 law? My charge will take a good 20 or 25 minutes, do y'all  
9 want to go refresh yourselves or are y'all ready to go  
10 right into it? Let's take about a quick ten minute recess,  
11 come back in, stretch out, that way I can make sure y'all  
12 make sure y'all pay attention.

13 (The jury left the courtroom and a break was taken.)

14 THE COURT: All members of the jury are present. Can  
15 y'all hear me okay? Good. Please pay close attention to  
16 what I read to you and what I tell you because that's the  
17 law that you must go by in reaching your verdict. And, of  
18 course, I have my comments and my recitation of the law to  
19 you typed up and I will do my best not to just sit here and  
20 read it, because I know there's nothing more frustrating  
21 than just looking at a talking head, I will try to make eye  
22 contact as much possible. But I have it in writing because  
23 it's very important because it's the law and I want to make  
24 sure you understand it and I want to make sure I get it  
25 right so that's why I have it written down. So Madam



1 verdict. All right. Are y'all ready for the jury?

2 MS. LIVELY: Yes, sir, Your Honor.

3 MR. JONES: Yes, sir.

4 THE COURT: All right, bring the jury in.

5 (The jury returned to the courtroom with a verdict.)

6 THE COURT: All right, Madam Forelady, it's my  
7 understanding that the jury has been able to reach a  
8 verdict.

9 THE JUROR: Yes, sir.

10 THE COURT: Did you fill it out and sign and date the  
11 verdict form?

12 THE JUROR: I did.

13 THE COURT: Was the verdict unanimous?

14 THE JUROR: Yes.

15 THE COURT: If you would, please hand the verdict form  
16 to my bailiff, please. Madam Clerk, you may publish the  
17 verdict.

18 THE CLERK: Your Honor, the State of South Carolina  
19 versus J. C. Bowler, "We the jury unanimously, find as  
20 follows: On indictment number 2010-GS-12-734, for the  
21 offense of murder, we find the defendant, J. C. Bowler,  
22 guilty. On indictment number 2010-GS-12-733, for the  
23 offense of pointing or presenting a firearm, we find the  
24 defendant, J. C. Bowler, guilty. Signed Brandy Sanders as  
25 forelady on April 27, 2017." If this is your verdict

## JURY VERDICT

1 please signify by the raising of your right hands. Thank  
2 you.

3 THE COURT: Ladies and gentlemen, thank you so much  
4 for your service to the State of South Carolina and to the  
5 citizens of Chester County, your jury service has now  
6 ended, you may leave. If you would like to stick around  
7 later on this morning for sentencing you may do so as well  
8 but that will be solely up to you. Again, thank you for  
9 your service, please go back to the jury room and wait  
10 there until you're officially released.

11 MR. FRICK: Your Honor, before they are dismissed  
12 defense would request polling.

13 THE COURT: Okay, thank you. Madam Clerk, if you  
14 would please poll the jury.

15 THE CLERK: Madam Forelady, Brandy A. Sinclair, is  
16 this your verdict and do you still assent?

17 THE JUROR: Yes, ma'am.

18 THE CLERK: Debra M. Robbins, if this is your verdict  
19 do you still assent?

20 THE JUROR: Yes, ma'am.

21 THE CLERK: Kevin E. Smith, Jr. is this your verdict  
22 and do you still assent?

23 THE JUROR: Yes, ma'am.

24 THE CLERK: Mary V. Sanders, is this your verdict and  
25 do you still assent?

## SENTENCING HEARING

1    respect the decision of the jury. My client has always  
2    maintained his innocence to me and that's why we had a  
3    trial, but the jury has spoken, Your Honor, and now it's  
4    time for sentencing. I won't really go too much into his  
5    past record, I don't know if it has much bearing on what  
6    happened here today or that incident. We throw ourselves  
7    on the mercy of the Court. He does have a six year old  
8    child. We ask that whatever sentence Your Honor hands down  
9    gives him the chance to see his child outside of prison one  
10   day.

11        THE COURT: Thank you. I need the defendant and Mr.  
12   Jones to approach for sentencing. Mr. Bowler, anything you  
13   would like to say to the Court prior to sentencing?

14        THE CLERK: No, sir.

15        THE COURT: Well, before I sentence you on these  
16   charges I want to thank Mr. Wray's mother for the grace  
17   that she exhibited here this morning. She told me she  
18   loved you, sir, and that she forgives you. I can't imagine  
19   the pain she's going through, and her ability to say that  
20   speak volumes about the type of person she is, so thank you  
21   for that, ma'am. Mr. Bowler, I know you maintain your  
22   innocence but the jury has found differently and I have  
23   heard the evidence this week and I can't imagine a more  
24   brazened violent act, middle of the day at a very busy  
25   store such as Odoms doing this. On indictment 99-GS --

## SENTENCING HEARING

1   excuse me, 2010-GS-12-403, having been convicted of  
2   pointing and presenting a firearm at a person, the sentence  
3   of the Court is five years in the South Carolina Department  
4   of Corrections, that sentence will be concurrent to the  
5   sentence given to you on the murder conviction. On  
6   indictment 2010-GS-12-734, having been convicted of the  
7   offense of murder, the sentence of the Court is life in  
8   prison. Good luck to you, sir. God bless your soul.

9                   (End of the hearing.)

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**WITNESSES**

Oren Gadson (CPD) 2010-1130

*14 G.1/2011*

**ARREST WARRANT NUMBER/DOA**

K289165 (DOA-9-9-10)

**ACTION OF GRAND JURY**

**TRUEBILL**

Foreperson of Grand Jury

Date: *12/14/2010* *John P. Poo*

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2010-GS-12-733

**The State of South Carolina  
County of Chester**

**COURT OF GENERAL SESSIONS**

**DECEMBER TERM 2010**

**THE STATE  
vs.**

**JC Bowler**

**Indictment for  
Pointing or Presenting Firearm**

SC Code: § 16-23-410  
CDR Code: 0122  
Class: Felony, F

True and correct copy of original paper  
On file in this office.

*Lucy H. Carpenter*

Clerk of Court  
Chester County, SC  
Date *6/8/2017*

302

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHESTER )

## INDICTMENT

At a Court of General Sessions, convened on December 14, 2010, the Grand Jurors of  
Chester County present upon their oath:

**POINTING OR PRESENTING FIREARM**

That JC Bowler did in Chester County on or about September 8, 2010, point or  
present a firearm, to wit: handgun, at the victim, Stephine Gore, such pointing or  
presenting not being in self-defense in violation of § 16-23-410, *Code of Laws of South  
Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case  
made and provided.

\_\_\_\_\_  
Douglas A. Barfield, Jr., SOLICITOR

**WITNESSES**

B.P. Perry (CSD) 2010-9095

*F. M. Yehell*

**ARREST WARRANT NUMBER/DOA**

M251436 (DOA- 9-13-10)

**ACTION OF GRAND JURY**

Foreperson of Grand Jury

Date: 12/14/2010 *John W. Ruff*

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2010-GS-12-734

**The State of South Carolina**  
**County of Chester**

**COURT OF GENERAL SESSIONS**

**DECEMBER TERM 2010**

**THE STATE**  
**vs.**

**JC Bowler**

**Indictment for**

**Murder**

SC Code: §16-3-10  
CDR Code: 0116  
Class: Felony, EXM

True and correct copy of original paper  
On file in this office.

*Steph. H. Carpenter*

Clerk of Court  
Chester County, SC  
Date: 6/8/17

304

STATE OF SOUTH CAROLINA )  
COUNTY OF CHESTER )

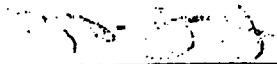
## INDICTMENT

At a Court of General Sessions, convened on December 14, 2010, the Grand Jurors of Chester County present upon their oath:

**MURDER**

That JC Bowler did in Chester County on or about September 8, 2010, feloniously, willfully and with malice aforethought kill and murder Faris Wray by means of shooting him and that the said victim did die as a proximate result thereof, in violation of the common law of South Carolina and §16-3-10, *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
Douglas A. Barfield, Jr., SOLICITOR



## CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Robert M. Pachak  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 18th day of April, 2018.

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

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ATTORNEY FOR APPELLANT

This 18th day of April, 2018.

**RECEIVED**

APR 18 2018

SC Court of Appeals