

21404

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LANCASTER COUNTY

J. Ernest Kinard, Jr., Circuit Court Judge

ANDERS
NO DEF. BRIEF
No Respondent's Brief
RECEIVED
Filed

SEP 17 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

DESHAWN FOSTER,

APPELLANT

APPELLATE CASE NO. 2013-002749

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)	GENERAL SESSIONS
)	
County of Lancaster)	2013-GS-29-00048
)	
State of South Carolina,)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
Dyeshawn Foster.)	
)	
)	
)	

December 9, 2013
Lancaster, South Carolina

BEFORE:

THE HONORABLE J. ERNEST KINARD, JR., JUDGE.

APPEARANCES:

RANDALL NEWMAN, ASSISTANT SOLICITOR
Attorney for the State

MARK GRIER, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

AMINAH R. HARDY, RPR, CVR-CM
Official Court Reporter

EXHIBITS

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(No exhibits were marked.)

P R O C E E D I N G S

1
2 MR. NEWMAN: May it please the Court. Your Honor,
3 this is Dyeshawn Foster represented by attorney Mark Grier
4 here on case number 2013-GS-29-48, attempted murder. It's
5 my understanding he's pleading under North Carolina versus
6 Alford to assault and battery high and aggravated nature.
7 Also case number 2013-GS-29-52, possession of a firearm
8 during the commission of a violent crime. Also
9 2013-GS-29-51, unlawful carrying of a pistol. He's
10 pleading straight up without recommendation from the
11 state.

12 THE COURT: Okay. Mr. Foster, you doing all right?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Here's how things shape up. When you
15 plead guilty under North Carolina versus Alford, for
16 sentencing purposes it's just like you're pleading guilty
17 straight up. Basically what you're saying is you've gone
18 over with Mr. Grier all that you think the state could put
19 up, all the motions you could make, and what you could do
20 to testify and putting up witnesses, and you reached the
21 conclusion that irrespective of what transpired in a
22 trial, there's a very good likelihood you'd be found
23 guilty. So you're pleading guilty under North Carolina
24 versus Alford, but you get sentenced just like you were
25 pleading guilty straight up. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Now, I don't actually have it all written
3 down because I didn't know what you were going to plead
4 to, but I believe assault and battery high and aggravated
5 or whatever he's pleading guilty to carries what, 20
6 years?

7 MR. GRIER: Up to 20.

8 MR. NEWMAN: That's correct.

9 MR. GRIER: The possession of a firearm during the
10 commission of a violent crime carries five, and possession
11 of a pistol carries one. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You weren't charged with assault and
14 battery high and aggravated nature. You were charged with
15 attempted murder, but assault and battery of a high and
16 aggravated nature is a lesser-included offense, so the
17 state does not have to resubmit the charge to the grand
18 jury. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: We have selected a jury. Jury has not
21 been sworn, but they're back there ready to go. If you
22 wanted to proceed with trial, you just say, "I want a
23 trial." But if you go forward, you don't get a trial.
24 You waive all your trial rights. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You heard me tell the jury you're
2 presumed innocent, didn't have to prove you were not
3 guilty. Of course, you can exercise all the rights during
4 the trial listed on this advisement of rights form.
5 You've already participated in the selection process.
6 Your attorney has made certain motions that if the trial
7 proceeded you could, through him, make motions throughout
8 the trial to exclude evidence, exclude testimony and so
9 forth. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Of course, during a trial while you don't
12 have to prove that you're not guilty, you could present a
13 defense. Defense is simply I did not commit the crime.
14 Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: That's one potential. But if you plead
17 under North Carolina versus Alford, you waive your right
18 to put up a defense. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, you went over this advisement of
21 rights form with your attorney, right?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Mr. Grier explained everything to you.
24 Are all your answers correct on here?

25 THE DEFENDANT: (The witness nods his head.)

1 THE COURT: On the sheet that you went over with him?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: In other words, you're not taking any
4 medications today or anything like that?

5 THE DEFENDANT: No, sir.

6 THE COURT: And you're not on probation or parole --
7 or are you? I don't know.

8 MR. GRIER: He's not. No criminal record.

9 THE COURT: You checked? If you're on probation or
10 parole, do you know this plea could result in a
11 revocation? You checked yes. But if you're not, you
12 should have put just "not applicable." But anyway, do you
13 understand that you could have testified during a trial,
14 but you don't have to?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: State can't make you testify, but they
17 can't keep you from testifying if you wanted to. Do you
18 understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Of course, a good many people were listed
21 as potential witnesses. You can call witnesses to testify
22 on your behalf. You get to question everybody that the
23 state puts up anyway. Do you understand all that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Talking about during the trial. If you

1 enter the plea, you don't get a trial.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Any questions about anything?

4 THE DEFENDANT: No, sir.

5 THE COURT: Okay, solicitor.

6 MR. NEWMAN: Thank you, Your Honor.

7 Your Honor, this event occurred September 30th --

8 THE COURT: Let me ask you this one other thing
9 before you go forward. More indictments were handed up to
10 me than he's pleading guilty to. Are they going to be
11 disposed of?

12 MR. NEWMAN: They are, Your Honor.

13 MR. GRIER: I was going to mention that.

14 THE COURT: Just make sure --

15 MR. NEWMAN: I didn't realize I handed them up.

16 THE COURT: You didn't. But I'm talking about when I
17 qualified the jury this morning, I had more indictments
18 than this.

19 MR. NEWMAN: Yes, sir.

20 MR. GRIER: They are, as well as another case.

21 THE COURT: Okay.

22 MR. NEWMAN: Thank you, Your Honor.

23 This occurred on September 30th, 2012. Officers
24 responded to a shooting. You heard Ms. Hood testify as to
25 making the call. She said she saw Mr. Foster with a gun,

1 saw him approach the vehicle, saw him shooting -- in her
2 words, shooting at the car.

3 Officers responded. First officer saw the victim's
4 vehicle at the road leaving the scene attempting to make
5 it to the hospital. Mr. Segars was in the front passenger
6 side. He had been shot. Was Tangie Craig was driving
7 that vehicle and in the backseat was Fredrickeon Twitty.

8 THE COURT: All right. I neglected -- I just brushed
9 over something I need to make sure Mr. Foster understands.
10 I told him about possession of a weapon while committing a
11 violent crime and assault and battery high and aggravated
12 was a violent crime; but Mr. Grier, you discussed with him
13 the consequences, I guess, of violent crimes?

14 MR. GRIER: Yes, sir. That would be 85 percent and
15 nonparolable, strike.

16 THE COURT: Yeah, 85 percent, nonparolable. If you
17 make it, Mr. Foster before you get out after 85 percent of
18 whatever sentence imposed, you're on supervised released,
19 pretty strenuous for a while. And it also constitutes a
20 strike. You heard that "one strike, you're out; two
21 strikes, you're out; three strikes, you're out." Well,
22 this is a strike. So if in the future you commit a
23 violent crime or most serious crime, you put yourself in
24 jeopardy for the state asking for more time than you could
25 normally get. In some circumstances, they can ask for

1 life without parole, even though the sentence for the
2 crime like drug trafficking might just carry three to
3 seven years. They can ask for life without parole because
4 the legislature says that's a violent crime, talking about
5 drug trafficking. Not that you've done that; just giving
6 that as an illustration.

7 MR. GRIER: Yes, Your Honor, he understands that any
8 future criminal behavior, not this, could expose him to
9 the LWOP.

10 THE COURT: Okay.

11 MR. NEWMAN: Thank you, Your Honor. Officer Bobby
12 Hiller (phonetic) of the city police department was
13 responding to the scene. He noticed the victims leaving
14 the scene, did stop that vehicle, noticed they were in
15 dire straits, let them go on the hospital and followed
16 them. Other officers responded to the scene while some
17 officers responded to the hospital.

18 Your Honor, Fredrickeon Twitty, I have the medical
19 records. Both doctors were scheduled to be here and
20 testify. Fredrickeon Twitty had three gunshot wounds.
21 Marquevious Segars had seven. Marquevious was shot seven
22 times, three times in the chest and abdomen area of his
23 side, once in the arm, had a graze shot to his chin, also
24 to his eye, and a shot in the shoulder as well. His
25 doctor told me --

1 MR. GRIER: I don't mean to interrupt you, but to the
2 eyebrow.

3 MR. NEWMAN: Right. I have pictures, Your Honor.
4 I'll pass up pictures of the injuries.

5 MR. GRIER: He did not -- I just want to clarify he
6 didn't lose an eye as a result of it, fortunately.

7 MR. NEWMAN: And he miraculously is here in the
8 courtroom.

9 Your Honor, I spoke with his doctor. They said
10 Mr. Segars was the worst of the two injured and was, in
11 fact, in dire straits at the hospital. And, in fact, he
12 told me he actually -- his life expired at the hospital.
13 He was revived and flown out to Charlotte to Carolina
14 Medical Center. So pretty extensive injuries there.

15 Your Honor, Ms. Craig was not hit. However, she was
16 in the car. She was the driver. Vehicle was hit multiple
17 times, rear window was shot out. That shot exited through
18 the front window. There's a bullet hole in the left rear
19 B-post. The bullet hole grazed the rear dash speaker,
20 then went through the driver's seat and into the front
21 dash beside the radio. Another bullet hole in the rear
22 passenger area went through the right rear passenger seat
23 and into the right passenger seat and then into the glove
24 box. Bullets were recovered. Bullet casings were
25 recovered. I believe we recovered nine casings from the

1 scene, also a few bullets from inside the car.

2 Your Honor, both of these families are intertwined
3 and related. Segars and Ms. Craig have a child in common,
4 and Ms. Craig is cousins with Mr. Foster, and I believe
5 the entire family is connected and will need some healing
6 after this.

7 Your Honor, as far as a record, he has no adult
8 record. He does have a juvenile record back in 2006 of
9 malicious injury to personal property and assault and
10 battery.

11 Your Honor, victims are here, the family is here.
12 Detective Hartley, city police department was the lead
13 investigator. Ask you to hear from these people at the
14 appropriate time.

15 THE COURT: Now is as good a time as any.

16 DETECTIVE HARTLEY: Yes, sir. I'm Detective Hartley,
17 city police department. I was lead investigator on this
18 case. Just awful situation. Awful, awful situation.
19 Could have very easily been avoided; however, it wasn't,
20 and the city police department takes the stand that
21 Mr. Foster gets as much time out of this deal as he can
22 possibly get. We can't have this mess going on the
23 streets, and that's just -- it sounds like harsh words,
24 but truth of the matter is, it's not. There's way too
25 many innocent people out here dying over nonsense.

1 THE COURT: Okay.

2 MR. NEWMAN: Anybody from the family? They indicate
3 they don't want to speak, Your Honor.

4 MR. GRIER: Thank you, Your Honor. Your Honor,
5 Dyeshawn has been in jail for 427 days.

6 THE COURT: Goodness.

7 MR. GRIER: And we ask obviously that you give him
8 credit for his -- credit for time served. At the time
9 this happened, Your Honor, Dyeshawn was working at Tyson
10 plant, and he had really not been in any kind of trouble
11 for a long, long time. Aside from malicious injury of
12 property, he doesn't have any history of this type of
13 violent behavior. And it's totally inconsistent with
14 Dyeshawn Foster when you meet the man and you talk to him,
15 how it could get that is hard to imagine.

16 Tell you a little bit more about the situation than
17 the solicitor revealed, because I think it goes to the
18 mitigation. But Your Honor, I've been working with
19 Dyeshawn for -- since I think the end of last year. And
20 he's very respectful. His family has got -- well,
21 everybody out there is really close family or tied in
22 somehow. And I -- they all -- I think even the folks that
23 may be here against him today love him and expect -- think
24 this was not consistent with the Dyeshawn Foster that
25 everybody knows. He doesn't have the reputation for going

1 around. There are lot of people in this town with
2 reputations that do a lot of bad stuff.

3 Judge, a little bit of background how this -- and, of
4 course, he's pleading no contest under Alford. Quite
5 frankly, our pretrial with Ms. Hood kind of clinched this.
6 I mean, she -- based on and having listened to the 911
7 call and looking at all the evidence and lot of
8 contradictions, which are still there, but know they're
9 always there. We would really believe that Ms. Hood was
10 speaking from hearsay based on the circumstances there. I
11 think she was a compelling witness, and the family -- she
12 had even spoken to the family because they're neighbors
13 and trying to not to let everything blow up. Even the
14 family after speaking with her was very concerned, his
15 direct family, that she was going to be a difficult
16 witness to overcome were we to go to trial in this matter.
17 And certainly having heard her testimony on the stand, I'd
18 concur with what the family members had spoke with me
19 earlier this morning believed about this case.

20 We were prepared. We worked hard. We met a lot of
21 times, and we were -- we were certainly ready to go to
22 trial, Your Honor. Judge, if you recall, he wanted to get
23 out and spend some time with his family. That's not going
24 to happen. I understand you're going to give him some
25 kind of active sentence, Your Honor, but what -- the facts

1 that transpired prior to the shooting are important to
2 this case mitigation-wise, Your Honor.

3 And I don't believe the victim in the case could
4 possibly be proud and I don't want to slam him. This
5 was -- lot of anger out there. He was very mad at
6 Dyeshawn. And came -- he's close to Dyeshawn's
7 grandmother who Dyeshawn was living with. And he had
8 accused Dyeshawn of -- and taking a gun from I believe one
9 of his friends, and I'm sure they'll correct me if I'm
10 wrong. But it got -- he got really angry, and our
11 witnesses -- and I believe all the evidence -- I don't
12 believe anybody, the solicitor, Lancaster Police
13 Department disputes that the victim that was most
14 seriously injured in this case pulled a gun out and
15 started waving it and threatening and cussing everybody
16 out that was out there. They were having a cook-out type
17 thing, and attempted to shoot Dyeshawn, in fact, fired a
18 bullet and it struck another guy. That's the reason they
19 were going to the hospital. So another -- Dyeshawn's
20 cousin got struck by a bullet that was fired by the victim
21 in this case that was most seriously injured.

22 So he's pleading under Alford but the -- you know,
23 the state's theory was Dyeshawn having been shot at was so
24 angry that he retaliated. So it didn't just happen out of
25 thin air. It didn't happen out of meanness. It didn't

1 happen -- it happened under very -- whatever happened
2 happened under very, very heated and angry and passionate
3 circumstances that are not consistent with everything that
4 I've observed from Mr. Twitty (sic). Was it a serious
5 crime? Yes, it was. Is he going to get probation? No
6 he's not, and he knows that.

7 What is the right thing to do? Your Honor, I ask for
8 mercy. I do not believe that Dyeshawn is a hardened
9 person at all. He's -- he's got family, a loving family
10 that embraces him. He just didn't have any hardness or
11 bitterness or angry about him. And, Your Honor, I think
12 that a relatively short sentence with some probation
13 behind it -- I know he's going to come out on community
14 service would be -- would serve justice in the matter. It
15 isn't going to -- it's not going happen again. Most
16 certainly Dyeshawn is going to keep his distance from
17 anything like this happening again, and to ensure he would
18 follow through on -- I think he -- you know whatever
19 assurances he's given me and his family and everybody that
20 he's going to get a job and get back out in -- when he's
21 finished with his sentence, and I think probation would be
22 an appropriate way to follow-up on a relatively short
23 sentence, Your Honor. He's got a lot of exposure. I know
24 we got people injured in this and there's no excuse for
25 that.

1 Your Honor, that's really all I got to say. He --
2 Dyeshawn has indicated he doesn't wish to speak. He is
3 just -- believes that the Court would take into account
4 the fact that he hasn't been any trouble before, that it's
5 inconsistent with what it was, and that there were
6 provoking circumstances that day that were important to
7 what happened out there.

8 I think he's got some family members that would like
9 to speak.

10 THE COURT: They, can sure.

11 MS. WELLS: I am Dyeshawn's grandmother. I thank you
12 for this opportunity, Your Honor, but this accident
13 happened at my house. Dyeshawn was at home. Quevious
14 come to the house. They had been fussing that day. I
15 understand that. Quevious come to my house. I asked
16 Quevious not to come -- I asked my grandbaby, I said,
17 "Don't bring him up here." He come anyway.

18 Okay, so when he came, I was in the house cooking.
19 And they said, "Quevious out there, grandma." I said
20 okay. I said, "I asked him not to come." Come to the
21 door, they start fussing. Him and Dyeshawn was fussing.
22 And I came outside on the porch. I said, "Quevious, I'm
23 not going to have this in my yard. Now, I want you to
24 stop." He was calling me mom before all this happened.
25 He said, "Mama, everything okay." I said okay.

1 So I goes back in the house to fry Dyeshawn a piece
2 of fish. All this cussing. I heard it again, heard it
3 again. I said, "Quevious, did I tell you" -- I was going
4 to call the police. He said, "I ain't -- we ain't
5 doing -- we got it, we got it." I said, "Quevious, come
6 in the house. I brought Quevious in my house so they can
7 cut down all the fussing, and then I called my
8 granddaughter and I said, "Come get Quevious. Him and
9 Dyeshawn done start back fussing again." She said,
10 "Grandma, I'm on my way."

11 So I told Quevious. I said, "Quevious, now I'm being
12 nice and let you come in my house and you out here doing
13 all this cussing and saying all this stuff." I said,
14 "When you get outside just get on in the car. Don't say
15 nothing to nobody." Quevious goes outside. He goes and
16 cussing and all this. Told Dyeshawn right in front of
17 me -- Lord forgive me. I ain't got no reason to lie, but
18 I don't like to say this. He said, "I will kill you right
19 in front of your motherfucking grandma." I said, "Oh, no.
20 Tangie, put him in the car."

21 So Tangie get -- they getting ready to get in the
22 car. Quevious still out there, they just fussing,
23 fussing. So somebody -- I don't know who it was, this boy
24 had on a black hoodie over his head, and him and Quevious
25 was tussling. I saw the gun in Quevious pocket. Quevious

1 grabbed his pocket like that and he shot. So when he
2 shot, I ran in the house. "Grandma, I'm shot." So I
3 turned around. When I turned around, pow, pow, pow, pow,
4 pow, pow, pow. So I ran in the house. And that is the
5 truth.

6 So whatever happened before then, I don't know. Now,
7 they say Dyeshawn had a gun, but I never did see a gun.
8 That's the truth of what happened at my house. That's
9 what I saw. And I thank you for this opportunity. I
10 asked to you please have mercy on Dyeshawn. Dyeshawn is a
11 humble child. Dyeshawn was staying with me. He was going
12 to church every Sunday, working, all hell just broke lose.
13 I don't have no hard feeling between this family. Because
14 Quevious was just like my son. I bring him in my house
15 and his grandbaby was in my house, which was my
16 grandbaby -- his baby was my grandbaby. We was all like
17 one family. But that day, all hell broke loose because of
18 somebody else's stuff. And I thank you.

19 MS. CRAIG: I'm Dyeshawn's mother, and my son is not
20 the person they trying to say he is. And I want you to
21 know that I really don't know what happened there. I was
22 not there. But I want you to know he would no longer be
23 in Lancaster, South Carolina. I have moved away for my
24 son can be protected. Because like they say, it's a lot
25 of stuff going on, and it's a lot of stuff they said they

1 going to do to my son. But I'm not worried about what
2 they said they going to do with my son. I just want my
3 son home with me. He spent his birthday in there, spent
4 my birthday in there, and Dyeshawn did work steady until
5 this thing happened. And he always looked out for his
6 mama and he always helped take care of his sister and
7 brother, since I been a single parent since I had
8 Dyeshawn. And all else I wanted to let you know, Your
9 Honor, please have mercy on my son.

10 MR. GRIER: Thank you.

11 THE COURT: Okay. Mr. Foster. Your lawyer says you
12 didn't want to say anything, but you have the absolute
13 right to say something if you'd like.

14 THE DEFENDANT: Just say I love my family.

15 THE COURT: Well, good people do bad things, you
16 know. There are consequences. I probably sentence more
17 homicides or shootings than anybody around. All of them
18 are different and I don't know what transpired before. I
19 don't know anything about the family relationships. All I
20 know is that you are entering a plea to shooting and
21 hitting someone seven times, as I understand it. So
22 that's bad consequence. You do have to serve 85 percent
23 of it. I'll give you some slack for pleading guilty, but
24 that's basically it.

25 I sentence you for possession of a firearm just to

1 time served. For the assault and battery high and
2 aggravated nature, 18 years. You get credit for the time
3 you've already been incarcerated, and then just five years
4 on the other charge. That is concurrent. You get credit
5 for time served on that.

6 Now, I don't need the families to leave together.
7 They need to leave by family group. One of them leave.
8 Try not to get any trouble outside because there will be
9 consequences. We're not vigilante people here. You know,
10 you hurt somebody, you got to go to jail. All right. One
11 family leaves. Next one can leave after about ten
12 minutes.

13 (Whereupon, the proceedings were concluded.)
14
15
16
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25

WITNESSES
 Hartley - LPD #12-15033
 54211

DOCKET NO. 2013-GS-29-48

The State of South Carolina
 County of Lancaster

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 OF COURT

2013 JAN 10 PM 12:38

CLERK OF COURT
 LANCASTER, SC

COURT OF GENERAL SESSIONS

JANUARY TERM 2013

ARREST WARRANT NUMBER/DOA
 2012A2920300279 (DOA-10-9-12)

ACTION OF GRAND JURY
TRUE BILL

Blenda Del Ford
 Foreperson of Grand Jury
 Date: **JAN 10 2013**

VERDICT

Foreperson of Petit Jury
 Date:

THE STATE
 vs.
 Dyeshawn Dyaquette Foster # 52

ATTEMPTED MURDER

SC Code: §16-3-29
 CDR Code: 3410
 Class: Felony A

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

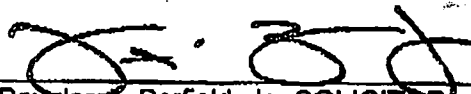
INDICTMENT

At a Court of General Sessions, convened on January 10, 2013, the Grand Jurors of Lancaster County present upon their oath:

ATTEMPTED MURDER

That Dyeshawn Dyaquette Foster did in Lancaster County on or about September 30, 2012, with intent to kill, attempt to kill Marqwevius Seegars with malice aforethought, either expressed or implied, by shooting him, in violation of Section 16-3-29 of the 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

Hartley - LPD #12-15033

PH 211

ARREST WARRANT NUMBER/DOA

2012A2920300283 (DOA-10-9-12)

ACTION OF GRAND JURY

TRUE BILL

Blenda D. Foster
Foreperson of Grand Jury

Date: **JAN 10 2013**

VERDICT

Foreperson of Petit Jury
Date:

D. J. S. K.
DOCKET NO. 2013-GS-29-51

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

JANUARY TERM 2013

**THE STATE
vs.**

Dyeshawn Dyaquette Foster *110-22-*

Indictment for

Unlawful Carrying of Pistol

SC Code: § 16-23-20, § 16-23-50(A)(2)

CDR Code: 0044

Class: Misdemeanor, C

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LANCASTER, SC

PAGE 04

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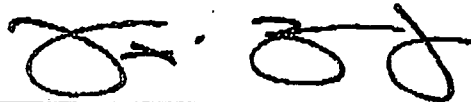
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At a Court of General Sessions, convened on January 10, 2013, the Grand Jurors of Lancaster County present upon their oath:

UNLAWFUL CARRYING OF PISTOL

That Dyeshawn Dyaquette Foster did in Lancaster County on or about September 30, 2012, carry about his person a pistol, the defendant not being authorized by law to do so pursuant to any of the enumerated exceptions set forth in § 16-23-20 of the Code of Laws of South Carolina and in violation of § 16-23-20, *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
 Hartley - LPD #12-15033
 4 L 31

ARREST WARRANT NUMBER/DOA
 2012A2920300282 (DOA-10-9-12)

ACTION OF GRAND JURY

TRUE BILL

Brenda L. ...
 Foreperson of Grand Jury
 Date: JAN 10 2013

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2013-GS-29-52

The State of South Carolina
 County of Lancaster

COURT OF GENERAL SESSIONS

JANUARY TERM 2013

THE STATE
 vs.

Dyshawn Dyaquette Foster

Indictment for
Possession or Display of Firearm or
Knife During Commission of a Violent
Crime

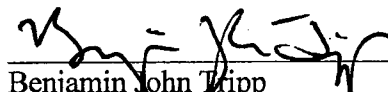
SC Code: § 16-23-490
 CDR Code: 0549
 Class: Felony, F

FILED
 OFFICE OF CLERK
 OF COURT
 2013 JAN 10 PM 12:38
 CLERK OF COURT
 LANCASTER, SC

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."

September 17, 2014


Benjamin John Tipp
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

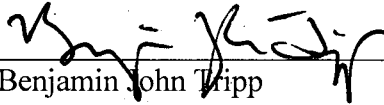
SEP 17 2014

SC Court of Appeals

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."

September 17, 2014



Benjamin John Tripp
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

SEP 17 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lancaster County

J. Ernest Kinard, Jr., Circuit Court Judge

ORIGINAL

RECEIVED

SEP 17 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

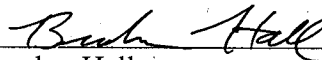
DESHAWN FOSTER,

APPELLANT

APPELLATE CASE NO. 2013-002749

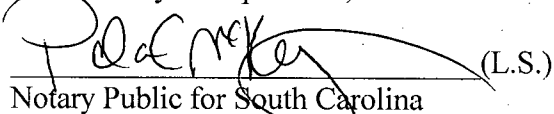
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 17th day of September, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 17th day of September, 2014.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: July 24, 2022