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295

## SC Court of Appeals

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

3  
4 THE STATE OF SOUTH )  
CAROLINA )  
5 ) TRANSCRIPT OF RECORD  
-vs- ) 2014-GS-11-00875  
6 )  
7 FRANKLIN PIERRE DOVER, ) JULY 17, 2019  
8 DEFENDANT. ) GAFFNEY, SOUTH CAROLINA

9  
10 (VOLUME III)

11 B E F O R E:

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

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

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25 CIRCUIT COURT REPORTER

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2 COUNTY OF CHEROKEE ) IN THE COURT OF GENERAL SESSIONS

3  
4 THE STATE OF SOUTH )  
CAROLINA )  
5 ) TRANSCRIPT OF RECORD  
-vs- ) 2014-GS-11-00878  
6 )  
7 RAJSHUN BERNARD FOSTER, ) JULY 17, 2019  
8 ) GAFFNEY, SOUTH CAROLINA  
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## INDEX

(VOLUME I - JULY 15, 2019)

## WITNESSES

PAGE

JURY VOIR DIRE -- PAGE 13

JURY SWORN -- PAGE 38

OPENING STATEMENT BY MS. LESKANIC -- PAGE 48

OPENING STATEMENT BY MS. RACINE -- PAGE 54

OPENING STATEMENT BY MR. MORIN -- PAGE 56

JOHN RYAN KEEP (SW)

DIRECT EXAMINATION BY MR. KENDALL 58

CROSS EXAMINATION BY MR. MORIN 69

(NO CROSS EXAMINATION BY MS. RACINE) 72

REDIRECT EXAMINATION BY MR. KENDALL 72

## INDEX

(JULY 16, 2019 - VOLUME II)

## WITNESSES PAGE

## TERICCA BONNER (SW)

DIRECT EXAMINATION BY MS. LESKANIC 94

CROSS EXAMINATION BY MR. MORIN 105

CROSS EXAMINATION BY MS. RACINE 116

REDIRECT EXAMINATION BY MS. LESKANIC 119

RECROSS EXAMINATION BY MR. MORIN 126

## BERNICE DOWDLE (SW)

DIRECT EXAMINATION BY MS. LESKANIC 128

CROSS EXAMINATION BY MR. MORIN 138

CROSS EXAMINATION BY MS. RACINE 143

REDIRECT EXAMINATION BY MS. LESKANIC 144

## JASMINE HUDSON (SW)

DIRECT EXAMINATION BY MS. LESKANIC 146

CROSS EXAMINATION BY MR. MORIN 162

CROSS EXAMINATION BY MS. RACINE 163

## SHARIE STUDYVANCE (SW)

DIRECT EXAMINATION BY MS. LESKANIC 176

CROSS EXAMINATION BY MR. MORIN 183

CROSS EXAMINATION BY MS. RACINE 187

REDIRECT EXAMINATION BY MS. LESKANIC 189

RECROSS EXMINATION BY MR. MORIN 193

## INDEX

(JULY 16, 2019- VOLUME II)

| WITNESSES                            | PAGE |
|--------------------------------------|------|
| NAKISHA LOVE (SW)                    |      |
| DIRECT EXAMINATION BY MS. LESKANIC   | 198  |
| CROSS EXAMINATION BY MR. MORIN       | 205  |
| CROSS EXAMINATION BY MS. RACINE      | 206  |
| KIARA DOUGLAS (SW)                   |      |
| DIRECT EXAMINATION BY MS. LESKANIC   | 207  |
| CROSS EXAMINATION BY MR. MORIN       | 212  |
| CROSS EXAMINATION BY MS. RACINE      | 216  |
| REDIRECT EXAMINATION BY MS. LESKANIC | 218  |
| REBI TATE (SW)                       |      |
| DIRECT EXAMINATION BY MS. LESKANIC   | 219  |
| CROSS EXAMINATION BY MR. MORIN       | 232  |
| CROSS EXAMINATION BY MS. RACINE      | 238  |
| REDIRECT EXAMINATION BY MS. LESKANIC | 241  |
| CHARIECE ALLEN (SW)                  |      |
| DIRECT EXAMINATION BY MS. LESKANIC   | 245  |
| CROSS EXAMINATION BY MR. MORIN       | 256  |
| CROSS EXAMINATION BY MS. RACINE      | 258  |
| REDIRECT EXAMINATION BY MS. LESKANIC | 261  |

## INDEX

(JULY 16, 2019 - VOLUME II)

| WITNESSES                            | PAGE |
|--------------------------------------|------|
| DENNIS GARDNER (SW)                  |      |
| DIRECT EXAMINATION BY MS. LESKANIC   | 263  |
| (NO CROSS EXAMINATION BY MR. MORIN)  | 267  |
| (NO CROSS EXAMINATION BY MS. RACINE) | 267  |
| DR. JANICE ROSS (SW)                 |      |
| DIRECT EXAMINATION BY MS. LESKANIC   | 269  |
| (NO CROSS EXAMINATION BY MR. MORIN)  | 276  |
| (NO CROSS EXMINATION BY MS. RACINE)  | 276  |
| OFFICER BILLY ANTHONY (SW)           |      |
| DIRECT EXAMINATION BY MS. LESKANIC   | 277  |
| CROSS EXAMINATION BY MR. MORIN       | 290  |
| (NO CROSS EXAMINATION BY MS. RACINE) | 292  |

## INDEX

(JULY 17, 2019 - VOLUME III)

| WITNESSES                                        | PAGE |
|--------------------------------------------------|------|
| SUSAN CRAWFORD (SW) (PRIOR SWORN TESTIMONY READ) |      |
| DIRECT EXAMINATION BY MS. LESKANIC               | 308  |
| (NO CROSS EXAMINATION BY MR. MORIN)              | 313  |
| CROSS EXAMINATION BY MS. RACINE                  | 313  |
| ANTRON BONNER (SW)                               |      |
| DIRECT EXAMINATION BY MS. LESKANIC               | 314  |
| CROSS EXAMINATION BY MR. MORIN                   | 333  |
| CROSS EXAMINATION BY MS. RACINE                  | 345  |
| REDIRECT EXAMINATION BY MS. LESKANIC             | 356  |
| MARY DAVIS (SW)                                  |      |
| DIRECT EXAMINATION BY MS. LESKANIC               | 364  |
| CROSS EXAMINATION BY MR. MORIN                   | 379  |
| CROSS EXAMINATION BY MS. RACINE                  | 383  |
| SLED AGENT CORY WILSON (SW)                      |      |
| DIRECT EXAMINATION BY MR. KENDALL                | 385  |
| (NO CROSS EXAMINATION BY MR. MORIN)              | 400  |
| (NO CROSS EXAMINATION BY MS. RACINE)             | 400  |

## INDEX

(JULY 17, 2019 - VOLUME III)

STATE RESTS -- PAGE 400

DEFENDANT FRANKLIN PIERRE DOVER RESTS -- PAGE 409

DEFENDANT RAJSHUN BERNARD FOSTER RESTS -- PAGE 409

CLOSING ARGUMENT BY MS. LESKANIC -- PAGE 410

CLOSING ARGUMENT BY MS. RACINE -- PAGE 428

FINAL CLOSING ARGUMENT BY MR. MORIN -- PAGE 438

COURT'S JURY INSTRUCTIONS -- PAGE 451

JURY VERDICT -- PAGE 471

SENTENCING -- PAGE 477

COURT REPORTER'S CERTIFICATE -- PAGE 478

| 1  | EXHIBITS |                         |     |     |
|----|----------|-------------------------|-----|-----|
| 2  | NO.      | DESCRIPTION             | ID. | EV. |
| 3  | S-1      | PHOTOGRAPH              |     | 96  |
| 4  | S-2      | PHOTOGRAPH              |     | 96  |
| 5  | S-3      | PHOTOGRAPH              | 11  |     |
| 6  | S-4      | PHOTOGRAPH              |     | 154 |
| 7  | S-5      | PHOTOGRAPH              |     | 154 |
| 8  | S-6      | PHOTOGRAPH              |     | 134 |
| 9  | S-7      | PHOTOGRAPH              |     | 222 |
| 10 | S-8      | PHOTOGRAPH              |     | 222 |
| 11 | S-9      | PHOTOGRAPH              |     | 223 |
| 12 | S-10     | PHOTOGRAPH              |     | 250 |
| 13 | S-11     | PHOTOGRAPH              |     | 250 |
| 14 | S-12     | CAD SHEET               |     | 266 |
| 15 | S-13     | PHOTOGRAPH              |     | 279 |
| 16 | S-14     | PHOTOGRAPH              |     | 283 |
| 17 | S-15     | PHOTOGRAPH              |     | 283 |
| 18 | S-16     | PHOTOGRAPH              |     | 283 |
| 19 | S-17     | BULLET CARTRIDGE CASING |     | 283 |
| 20 | S-18     | PHOTOGRAPH              |     | 279 |
| 21 | S-19     | PHOTOGRAPH              |     | 279 |
| 22 | S-20     | PHOTOGRAPH              |     | 272 |
| 23 | S-21     | PHOTOGRAPH              |     | 273 |
| 24 | S-22     | PHOTOGRAPH              |     | 273 |
| 25 | S-23     | BULLET FRAGMENT         |     | 275 |

|    |      |                            |     |     |
|----|------|----------------------------|-----|-----|
| 1  |      | EXHIBITS                   |     |     |
| 2  | NO.  | DESCRIPTION                | ID. | EV. |
| 3  | S-24 | PHOTOGRAPH                 |     | 372 |
| 4  | S-25 | CELLPHONE RECORDS          |     | 59  |
| 5  | S-26 | CELLPHONE RECORDS          |     | 66  |
| 6  | S-27 | CELLPHONE                  |     | 388 |
| 7  | S-28 | PHOTOGRAPHIC LINEUP        |     | 193 |
| 8  | S-29 | PHOTOGRAPH                 |     | 288 |
| 9  |      |                            |     |     |
| 10 | D-1  | WRITTEN STATEMENT          | 112 |     |
| 11 |      |                            |     |     |
| 12 | CT-1 | JURY NOTE                  | 168 |     |
| 13 | CT-2 | JUROR'S NOTE               | 168 |     |
| 14 | CT-3 | TRANSCRIPT OF TESTIMONY OF |     |     |
| 15 |      | SUSAN CRAWFORD             | 305 |     |
| 16 | CT-4 | JURY NOTE                  | 470 |     |
| 17 |      |                            |     |     |
| 18 |      |                            |     |     |
| 19 |      |                            |     |     |
| 20 |      |                            |     |     |
| 21 |      |                            |     |     |
| 22 |      |                            |     |     |
| 23 |      |                            |     |     |
| 24 |      |                            |     |     |
| 25 |      |                            |     |     |

1 (PROCEEDINGS, JULY 17, 2019).

2 (Testimony of Susan Crawford was marked as Court's  
3 Exhibit No. 3 for identification)

4 THE COURT: Ready?

5 MR. MORIN: We are ready.

6 THE COURT: Okay.

7 MS. LESKANIC: May it please the court?

8 THE COURT: Yes, ma'am.

9 MS. LESKANIC: Your Honor, the State's next  
10 witness will be Susan Crawford, who testified in the last  
11 trial. She is -- it has been reported to us that -- she's  
12 been in contact with our investigator Richard Burgess that  
13 she has been hospitalized for approximately the last seven  
14 days with a heart and thyroid issue. She was released from  
15 the hospital yesterday. However, she's at the doctor's  
16 office this morning; stated that she may be available to  
17 come in tomorrow, but I think the State's case will close  
18 today, and we are not sure because they are talking about  
19 putting a stent in her heart, so she's not sure of her  
20 availability tomorrow. Based upon that we are moving to be  
21 able to read her testimony in from the first trial,  
22 excluding, of course, questions by Travis Moore and also  
23 excluding her identifying where Mr. Dover, Mr. Foster, and  
24 Mr. Blair were standing. However, we would ask that Ms.  
25 Barry, Adrienne Barry from our office, is going to read the

1 testimony, if allowed, but she would be allowed to at least  
2 point out what apartment Ms. Crawford was in that day to  
3 give reference to the testimony.

4 THE COURT: Yes, sir.

5 MR. MORIN: No objection.

6 MS. RACINE: No objection.

7 THE COURT: Okay. As we talked about in chambers,  
8 we will treat this sworn testimony as you would a  
9 deposition, and so the lawyers will ask the questions, read  
10 the questions, the same question that was previously asked,  
11 and Ms. Barry will read the answer and not deviate from it.  
12 Everybody had a copy of the transcript?

13 MS. LESKANIC: I provided a copy that I had marked  
14 through with pencil, Your Honor, deleting the portions that  
15 my position were not appropriate to be read or explained by  
16 Ms. Barry, and I have provided a copy of that to Mr. Morin,  
17 Ms. Racine, and to Mike Watts, the court reporter as a  
18 court's exhibit. And, of course, if they have any additions  
19 or other deletions, but they have not advised me of any.

20 THE COURT: Okay.

21 MR. MORIN: No, that's fine, Your Honor, and I  
22 didn't ask any questions of this witness the last time. I  
23 probably wouldn't this time anyway.

24 MS. RACINE: No objection.

25 THE COURT: Okay. All right.

1 We ready?

2 MS. LESKANIC: Would I call her -- will you -- I  
3 have never had to do this before. You will advise the jury  
4 and then I'll call Ms. Barry as a proffer?

5 THE COURT: I'm going to explain that to them when  
6 they come in and you will call the witness through the  
7 proffer and Ms. Barry will be sworn to read the -- correctly  
8 read the answers from this transcript.

9 MS. LESKANIC: Very good. Thank you, Your Honor.

10 THE COURT: All right. We will have the jury.

11 It's Susan Crawford, right?

12 MS. LESKANIC: Yes, Your Honor.

13 (The following takes place in the presence of the  
14 jury panel)

15 THE COURT: Good morning, ladies and gentlemen.

16 Any matters for the jury?

17 JURY FOREPERSON: No.

18 THE COURT: Good.

19 Solicitor.

20 MS. LESKANIC: Your Honor, the State would call  
21 Susan Crawford.

22 THE COURT: All right.

23 Ms. Barry, come forward, please, and be sworn.

24 THE CLERK: Please raise your right hand and put  
25 your left hand on the Bible.

1 Do you solemnly swear that you will accurately  
2 read the transcript of Susan Crawford without additions  
3 thereto or detractions therefrom, so help you God?

4 THE WITNESS: I do.

5 THE COURT: Mr. Foreman, ladies and gentlemen, the  
6 State has a witness, Susan Crawford, who was unavailable due  
7 to sickness, in fact hospitalized, but this witness, Ms.  
8 Crawford, gave a sworn statement earlier. The lawyers will  
9 read the questions that were previously asked and Ms. Barry  
10 will read the answer of Ms. Crawford from the transcript.

11 Solicitor.

12 DIRECT EXAMINATION BY MS. LESKANIC:

13 Q. "Ms. Crawford, I would like to take you back to June  
14 22nd of 2014. Were you in Connecticut Village that day?

15 A. "Yes, ma'am.

16 Q. "And why were you there?

17 A. "I was baby-sitting my step-children.

18 Q. "And what apartment were you in?

19 A. "It's 79.

20 Q. "And could you by using State's Exhibit 2, if you need  
21 to step down you are welcome to, point out to the jury what  
22 apartment you were in that day?

23 (Witness off the witness stand).

24 A. "Right there.

25 BY MS. LESKANIC:

1 Q. "The one on the end?

2 A. "Very end.

3 Q. "Okay.

4 (Witness back on the witness stand)."

5 BY MS. LESKANIC:

6 Q. "And you were there baby-sitting?

7 A. "Yes, ma'am.

8 Q. "And it was a hot day?

9 A. "Yes, ma'am.

10 Q. "Were the windows open or closed on the apartment?

11 A. "Open.

12 Q. "Where were you in the apartment?

13 A. "In the living room. In the living room window.

14 Q. "Did that look out into the parking area?

15 A. "Yes, ma'am.

16 Q. "Did something get your attention while you were there?

17 A. "Yes. I was sitting in the window and I started  
18 hearing what sounded like an argument. You could tell and I  
19 looked out the window and at that time I recognized Mr.  
20 Foster and the gentleman that at that time we called -- they  
21 called him "Slick".

22 Q. "Okay.

23 A. "And they were having a -- it was like, you know, you  
24 could tell a verbal confrontation or disagreement or the --  
25 it was some cursing, but it was mostly Mr. Foster was -- you

1 know, talking to, or, you know, very firm with the other  
2 gentleman.

3 Q. "Slick"?

4 A. "Yes.

5 Q. "Was "Slick" saying anything back to Mr. Foster?

6 A. "Not a whole lot. He kind of looked down at his feet a  
7 few times because I was like maybe he's not really saying  
8 anything back. He kind of looked intimidated to a certain  
9 extent.

10 Q. "And did you see anybody else out there?

11 A. "Not at that time. It was just them two arguing."

12 Q. Go to line 23.

13 A. "Okay. I was in this very end apartment. The dumpster  
14 was blocking it. I was in that living room window.

15 "Mr. Foster and "Slick" was right on this pavement or  
16 sidewalk in front of the living room while right behind the  
17 dumpster in front of the living room window where the  
18 argument was happening. And, of course, I was -- I couldn't  
19 hear it. You could tell it was, you know, an argument for  
20 sure.

21 Q. "And then at some point I guess when did -- how did the  
22 argument end or what did you see?

23 A. "At that time -- at that time it lasted not very long,  
24 a couple minutes, and at that time I noticed that "Slick"  
25 walked off in this direction going up the hill back up to

1 the upper part of the complex.

2 "Mr. Foster walked down to right here.

3 "There was a car parked in this driveway. I do -- it  
4 was a dark colored car. I don't remember the make or model.  
5 I just remember a dark colored car. He sit in that vehicle  
6 for a few minutes and then he proceeded to go to the trunk  
7 of the car, open the trunk. I noticed that he pulled out  
8 a -- he was looking at the basketball jersey because he was  
9 holding it up. That's how I remember that. You know, it  
10 was actually a Lebron James jersey, and at that time is when  
11 I seen come out the side and I didn't pay attention really.  
12 I just looked back at Mr. Dover walked was standing there  
13 having a conversation with Mr. Foster. They were looking at  
14 the jersey.

15 Q. "So at that time you had seen "Slick", Rajshun Foster,  
16 and who you know as "Gwap"?

17 A. "Uh-huh.

18 Q. "And they are in that area together?

19 A. "Slick" had done walked off. I never seen Mr. Dover  
20 speak or talk to "Slick" at all.

21 Q. "Did you ever come out of your apartment?

22 A. "No, I did not.

23 Q. "Now, after you saw "Slick" walk away, approximately  
24 how long after that did you -- did you hear a gunshot or  
25 were you --

1 A. "No, ma'am, I did not hear the gunshot.

2 Q. "How did you find out about the shooting?

3 A. "It was maybe ten to fifteen minutes. After I seen  
4 them standing at the trunk of the vehicle I went into the  
5 kitchen area and I come back and they were gone. I don't  
6 know who left with who or anything like that. I just know  
7 there is nobody there.

8 Q. "So Rajshun and "Gwap" had left?

9 A. "They were gone. And it was like maybe ten, twelve,  
10 maybe fifteen minutes -- maybe fifteen minutes that all the  
11 sudden people are like running that and saying -- I mean, it  
12 just spread that quick from mouth to mouth that "Slick" had  
13 got shot at the back of an apartment at the top of the hill.

14 Q. "And how certain are you that you saw "Slick" out there  
15 that day?

16 A. "A hundred percent. Two hundred percent.

17 Q. "And how about Rajshun Foster?

18 A. Everything -- yeah, I mean, I know --

19 Q. Are you a hundred percent sure it was Rajshun Foster?

20 A. "A hundred percent sure.

21 Q. "And how about with Frank Dover?

22 A. "A hundred percent sure.

23 Q. "Did you hear by chance what they were arguing about?

24 A. "The only thing I -- I heard something about money, but  
25 as far as like every word that the argument -- I mean, it

1 was a lot of cursing and just very firm, but I did hear  
2 something about money.

3 Q. "You couldn't hear everything that was said, but  
4 enough --

5 A. "No, because I had some kids in the house and -- and,  
6 you know, so I couldn't hear everything they were, you know,  
7 arguing about.

8 Q. "I think that's all the questions that I have for you.

9 "Please answer any questions that the defense counsel  
10 may have."

11 MR. MORIN: "No questions."

12 CROSS EXAMINATION BY MS. RACINE:

13 Q. "I just want to clarify.

14 "The only thing that you heard was something about  
15 money and some cursing?

16 A. "I heard about something, money. I heard the subject  
17 of money come up.

18 Q. "And some cursing?

19 A. "And what?

20 Q. "You said some cursing.

21 A. "Oh, yes, cursing. There was some cursing, yes.

22 Q. "And that's all you heard?

23 A. "(Shaking head yes).

24 MS. RACINE: No further questions?

25 MS. LESKANIC: Nothing further, Your Honor."

1 THE COURT: All right. Thank you.

2 MS. LESKANIC: The State calls Antron Bonner.

3 THE CLERK: Raise your right hand and place your  
4 left hand on the Bible.

5 ANTRON BONNER, having been first duly sworn,  
6 testified as follows:

7 THE WITNESS: Yes, ma'am.

8 THE CLERK: Watch your step.

9 THE COURT: Sir, tell us your name and spell your  
10 last name, please.

11 THE WITNESS: Antron Bonner, B-O-N-N-E-R.

12 THE COURT: Thank you, sir.

13 Solicitor.

14 DIRECT EXAMINATION BY MS. LESKANIC:

15 Q. Good morning, Mr. Bonner.

16 I want to take you back to June 22nd, 2014.

17 Okay. Would you please tell the ladies and gentlemen  
18 of the jury where you were that day?

19 A. I was at a family cookout and then I came back to the  
20 trailer park.

21 Q. Okay. What trailer park did you come back to?

22 A. Mcentire Trailer Park.

23 Q. Who lived in that trailer park?

24 A. I did and "Monkey".

25 Q. Okay. Now, you were coming to the trailer park from

1 the family cookout?

2 A. Yes, ma'am.

3 Q. And you lived in the trailer park at the time?

4 A. Yes, ma'am.

5 Q. All right. What family members lived in the trailer  
6 park?

7 A. My grandma, my momma, my aunt.

8 Q. Okay. And whose house did you go to when you first got  
9 to the trailer park?

10 A. I went to my house.

11 Q. Okay. And who lived there?

12 A. Me, my grandma.

13 Q. Okay. And then what happened when you got to your  
14 grandmother's house?

15 A. Then when she asked me did I feel like going to the  
16 store and get her a pack of chewing tobacco.

17 Q. Okay. So your grandmother wanted chewing tobacco?

18 A. Yes, ma'am.

19 Q. What store would you go to to get that?

20 A. Redwood.

21 Q. Is that within walking distance of the trailer park?

22 A. Yes, ma'am.

23 Q. Did you drive?

24 A. No, ma'am.

25 Q. And did you go to the Redwood Store?

1 A. No, ma'am. I walked -- later on -- I mean -- I looked  
2 down and pulled in with my cousin. I was seeing the  
3 black --

4 Q. Okay. Did somebody drive you back to the trailer park  
5 from the cookout?

6 A. My cousin.

7 Q. Okay. And when you arrived at your grandmother's  
8 house, she wanted chewing tobacco and what did you see?

9 A. I looked out the back door and seen Frank's Dodge.

10 Q. Okay.

11 A. Frank's car, black car.

12 Q. Frank's Dodge, black car?

13 A. Yes, ma'am.

14 Q. Who was Frank?

15 A. Right there.

16 Q. Okay. He's seated at the defense table?

17 A. Yes, ma'am.

18 Q. What's he wearing?

19 A. Orange, red, black, gray.

20 Q. Okay. So the plaid shirt at the defense table? That's  
21 Frank Dover?

22 A. Yes, ma'am.

23 Q. How long have you known Frank Dover?

24 A. For awhile, because he is -- years. About fifteen,  
25 twenty.

1 Q. Fifteen to twenty years?

2 A. Yes, ma'am.

3 MS. LESKANIC: Your Honor, I would like the record  
4 to reflect that he's identified Frank Dover.

5 THE COURT: So noted.

6 MS. LESKANIC: Thank you.

7 BY MS. LESKANIC:

8 Q. So when you saw Frank Dover's car, where was his car?

9 A. At "Monkey's" trailer.

10 Q. And who is "Monkey"?

11 A. Brittany Watkins.

12 Q. And who is Brittany?

13 A. His girlfriend.

14 Q. Frank's girlfriend is Brittany?

15 A. Yes, ma'am.

16 Q. And Brittany's mother is "Monkey"?

17 A. Yes, ma'am.

18 Q. And you saw Frank's car at that trailer?

19 A. Yes, ma'am.

20 Q. So what did you do?

21 A. I went down there, like I always speak to everybody.

22 Q. Okay. Is that the place that you hung out a lot?

23 A. Yes.

24 Q. Were you close with "Monkey"? What was your  
25 relationship with her?

1 A. I just always hang around. They stay in person and we  
2 always being around together.

3 Q. So you have known this family for fifteen, twenty  
4 years?

5 A. Yes, ma'am.

6 Q. Okay. So what do you do when you go down to the  
7 trailer? Where do you go?

8 A. I go in "Monkey's" trailer.

9 Q. Okay. And what do you do when you are in there?

10 A. I speak to everybody and stuff like that, talk to  
11 everybody. Speak.

12 Q. Okay. Who -- who do you speak to inside?

13 A. It was mostly she had girls.

14 Q. Okay.

15 A. So I spoke to them and all that. Like I always do on a  
16 normal day.

17 Q. All right. When you first went to the trailer, did you  
18 walk to the trailer from your grandmother's trailer?

19 A. Yes, ma'am.

20 Q. All right. Was anyone outside the trailer?

21 A. It was "T", Rajshun, and Frank.

22 Q. Okay. And you have already -- Frank Dover?

23 A. Yes, ma'am.

24 Q. And who was Rajshun?

25 A. Right there with his gray shirt on.

1 Q. Okay. Rajshun Foster?

2 A. Yes, ma'am.

3 MS. LESKANIC: Your Honor, let the record reflect  
4 he's identified Rajshun Foster.

5 THE COURT: So noted.

6 MS. LESKANIC: Thank you.

7 BY MS. LESKANIC:

8 Q. How long have you known Rajshun Foster?

9 A. At least ten years at the most.

10 Q. Okay. So when you walk up to the trailer, Frank,  
11 Rajshun, and "T" are outside?

12 A. Yes, ma'am.

13 Q. Do you go with them, or do you go inside the trailer  
14 first?

15 A. I went inside the trailer first.

16 Q. Okay. How long do you think that you were inside the  
17 trailer?

18 A. I can't remember. It was probably about two -- about  
19 two or three minutes.

20 Q. Not long? Just long enough to speak to everybody?

21 A. Yes, ma'am.

22 Q. And then what did you do?

23 A. I went back outside.

24 Q. Okay. And were those three men still outside talking?

25 A. Yes, ma'am.

1 Q. And what happened next?

2 A. I like asked Rajshun "do you know anybody we could get  
3 some marijuana from, go in half on the sale?"

4 Q. And so did Rajshun know where y'all could get some  
5 marijuana?

6 A. Yes, ma'am.

7 Q. And where did y'all decide to go?

8 A. He decided to go to Connecticut Village.

9 Q. So it was his decision to go to the village?

10 A. Yes, ma'am.

11 Q. All right. So what happens next?

12 A. We get in the car.

13 Q. Whose car do you get in?

14 A. Rajshun was driving at the time.

15 Q. Do you remember what it looked like?

16 A. I want to say grayish looking.

17 Q. Big car or little car?

18 A. I believe it was small.

19 Q. Okay. So a gray small car and who gets into that car?

20 A. Me, Rajshun, "T", and Frank.

21 Q. And does anybody bring anything with them when they get  
22 in the car?

23 A. Frank had got his rifle out of his car, gloves. And  
24 "T" had his little hand gun.

25 Q. Okay. So you saw Frank Dover get a rifle out of the

1 black Charger?

2 A. Yes, ma'am.

3 Q. And what about gloves, what did you see?

4 A. Like a doctor's glove.

5 Q. Did you see where he got that from?

6 A. Out of the console.

7 Q. Of the black Charger?

8 A. His black car.

9 Q. Of the black car?

10 A. Yes, ma'am.

11 Q. Okay. So you see when y'all are getting into the car  
12 to go to Connecticut Village, Frank Dover gets a rifle out  
13 of his black car and a doctor-type glove out of the console  
14 of that car?

15 A. Yes, ma'am.

16 Q. And "T" had a small pistol with him?

17 A. Yes, ma'am.

18 Q. Hand gun?

19 A. Yes, ma'am.

20 Q. Okay. Did everybody get into one car, or did y'all  
21 take two cars?

22 A. We got in one car.

23 Q. Where was everyone seated?

24 A. Rajshun was driving, "T" was on the other side. I was  
25 behind Rajshun. Frank was on the other side of me.

1 Q. Okay. So Rajshun is in the driver's seat, "T" is next  
2 to him in the passenger's seat?

3 A. Yes, ma'am.

4 Q. You are behind Rajshun?

5 A. Yes, ma'am.

6 Q. And Frank Dover is sitting right next to you?

7 A. Yes.

8 Q. Where is the gun, this big rifle?

9 A. Right there between us.

10 Q. Okay. So you got a good look at it?

11 A. Yes, ma'am.

12 Q. Do you remember what color it was?

13 A. It was brown with --

14 Q. I'm sorry?

15 A. It was brown and with a thing -- the barrel was like  
16 brown and black looking.

17 Q. Brown and black?

18 A. Yes, ma'am.

19 Q. It was a rifle, a long gun?

20 A. Yes, ma'am.

21 Q. Okay. And you saw him get the glove out of his car?

22 A. Yes, ma'am.

23 Q. And then where do y'all go?

24 A. To Connecticut Village.

25 Q. Okay. Tell the jury, please, about leaving the trailer

1 park, where you drove, and what you did.

2 A. We was driving to Connecticut Village.

3 On that small path like you are going down to the  
4 village. We came around at the top of the stop sign. There  
5 were cars coming. He turned around at the top right there  
6 at the stop sign.

7 Q. Okay. I have State's Exhibit 2 up, Mr. Bonner. Do you  
8 think that you could step down and with the laser pointer  
9 show the jury exactly what you're explaining, where Rajshun  
10 drove?

11 (Witness off the witness stand)

12 BY MS. LESKANIC:

13 Q. So what is he doing there, driving down the road?

14 A. Yes, ma'am.

15 Q. And then does what?

16 A. We turned around and probably about two more cars  
17 behind us.

18 Q. Okay. And then you head back down East Junior High  
19 Road?

20 A. Yes, ma'am.

21 Q. And what happens then?

22 A. Then he got out in the wooded area through the -- where  
23 that path is and we was turning around. Rajshun was -- it  
24 looked like a driveway. We come all the way back down and  
25 parked beside a blue trash can.

1 Q. Okay. You can have a seat back. Thank you.

2 (Witness back on the witness stand).

3 BY MS. LESKANIC:

4 Q. So when y'all are driving -- just to make sure I  
5 understand, when you are driving down East Junior High Road  
6 Rajshun pulled into the village, but immediately turned  
7 around and headed out of the village again?

8 A. We was at the top of the village.

9 Q. Okay. Top of the village, turned around and came back?

10 A. Yes, ma'am.

11 Q. And then he pulled over where?

12 A. In the wooded area.

13 Q. Okay. Are you familiar with the wooded path that's  
14 there?

15 A. I didn't see anything the first time that we went  
16 through.

17 Q. Is that where they dropped -- where he dropped someone  
18 off?

19 A. "T" and Rajshun -- "T" and Frank.

20 Q. Okay. So Rajshun pulled over in the wooded area and  
21 who gets out of the car?

22 A. "T" and Frank.

23 Q. And what do they have with them when they get out of  
24 the car?

25 A. Their guns.

1 Q. Okay. Tell me who had what?

2 A. Frank had his gun.

3 Q. What was his gun?

4 A. His -- the brown handle with the black and brown.

5 Q. Okay. So the long gun?

6 A. Yes, ma'am.

7 Q. What did "T" have with him?

8 A. His pistol.

9 Q. All right. So y'all dropped them off in the wooded  
10 area and then what did you and Rajshun do?

11 A. We went back into the village. He parked beside the  
12 blue trash can.

13 Q. Okay. You said he parked here by the blue trash can?

14 A. Yes.

15 Q. And pulled back in?

16 A. Yes.

17 Q. And what happened then?

18 A. He got out and started talking to the dude "Slick".

19 Q. So Rajshun gets out of the car and -- and he sees  
20 "Slick". He gets out of the car and starts to talk to him?

21 A. Yes, ma'am.

22 Q. Were you able to hear what they were talking about?

23 A. They were by the side of the car. I could hear various  
24 parts.

25 Q. Okay. So did you get out of the car at that time?

1 A. Yeah, I threw a piece of paper or something in the  
2 trash can.

3 Q. So you got out of the back seat and throwed something  
4 in the trash can?

5 A. Yes, ma'am.

6 Q. Did you go over there and talk to "Slick" and Rajshun  
7 or hear what they were talking about?

8 A. No, ma'am. I had got in the front seat.

9 Q. Okay. But you get out, throw something in the trash  
10 can and then you get in the front passenger's seat?

11 A. Yes, ma'am.

12 Q. And Rajshun is talking to "Slick"?

13 A. Yes.

14 Q. All right. But you don't know what they were saying?

15 A. Uh-uh.

16 Q. Okay. And then what happened?

17 A. And they sat there and talked for a little bit and he  
18 came back to the car.

19 Q. Okay. And then what did he do when he gets back in the  
20 car?

21 A. Then we go get some marijuana.

22 Q. Where do y'all go to get marijuana?

23 A. Like in between.

24 Q. If you will just step down and show the jury where  
25 y'all went, please?

1 (Witness off the witness stand).

2 A. It was like a speed bump and we was in between there.

3 BY MS. LESKANIC:

4 Q. Okay. So that's as far as you went into Connecticut  
5 Village?

6 A. Yes.

7 Q. And who got out of the car to get the marijuana?

8 A. Rajshun.

9 Q. Was he able to get any?

10 A. Yes.

11 Q. What did he do?

12 (Witness back on the witness stand).

13 BY MS. LESKANIC:

14 Q. Do you know where he got it from?

15 A. No, ma'am.

16 Q. What did he do when he got it?

17 A. He tossed it to the front seat.

18 Q. Okay. So he threw it in the car with you, threw it in  
19 the front seat?

20 A. Yes, ma'am.

21 Q. All right. And then what happened?

22 A. I looked at it. We just talked for a little minute.

23 A kid came down and he said it sounded like he heard a  
24 car explode, motor explode.

25 Q. So a kid said it sounded like a motor exploded?

1 A. Yes, ma'am.

2 Q. Did you hear anything?

3 A. No, ma'am.

4 Q. All right. And then what happened?

5 A. He gets back in the car.

6 Q. Rajshun?

7 A. Yes, ma'am.

8 Q. Okay.

9 A. He had got a phone call as we was leaving the village.

10 Q. Okay. So Rajshun gets a phone call and then y'all  
11 drive out of the village?

12 A. Yes, ma'am.

13 Q. All right. And where do you go?

14 A. We pull back up -- back in where we left Frank and "T"  
15 off at in the wooded area.

16 Q. So you pulled right there -- you leave the village,  
17 y'all pull back over to the wooded area where you had  
18 dropped Frank and "T" off --

19 A. Yes.

20 Q. -- shortly before that?

21 A. Yes.

22 Q. And do you pick them back up?

23 A. Yes.

24 Q. Do they both get in the car?

25 A. Yes.

1 Q. All right. And what happens when they get in the car?

2 A. He is like "drive, drive, get me out from this side of  
3 town."

4 Q. Who said "drive, drive, get me out from this side of  
5 town?"

6 A. Frank.

7 Q. Frank Dover said that as soon as he got in the car?

8 A. Yes.

9 Q. Okay. Did anyone else say anything?

10 A. No. When I asked him -- when we was driving, Rajshun  
11 asked him where he shot him at and he was like up in the  
12 chest area.

13 Q. So Rajshun is able to drive and said "where did you  
14 shoot him," and Frank's answer was what?

15 A. "Up in the chest area."

16 Q. "Up in the chest area."

17 Did "T" say anything?

18 A. No, ma'am.

19 Q. Where did y'all drive to?

20 A. Dropped them off.

21 Q. Where did you -- who did you drop off and where?

22 A. We dropped them off at Mary's, "T" and Frank.

23 Q. You dropped "T" and Frank off at Mary's. Do you know  
24 who Mary is?

25 A. One of his girlfriends.

1 Q. One of whose girlfriends?

2 A. Frank.

3 Q. Okay. So you drop -- Rajshun --

4 Did y'all drive straight from Connecticut Village to  
5 Mary's house?

6 A. Yes.

7 Q. And Mary is one of Frank's girlfriends?

8 A. Yes.

9 Q. And who got out of the car at Mary's house?

10 A. "T" and Frank.

11 Q. You and Rajshun stayed in the car?

12 A. Yes.

13 Q. Where did you and Rajshun go after dropping them off?

14 A. He dropped me off at the stop sign --

15 Q. Okay.

16 A. -- from across from the trailer park.

17 Q. Okay. Stop sign across from Mcentire Trailer Park?

18 A. Yes.

19 Q. Where you had met with them earlier?

20 A. Yes.

21 Q. Is that walking distance right across the street?

22 A. Yes.

23 Q. And what did you do after you were dropped off at the  
24 stop sign?

25 A. I went and got my grandma's tobacco.

1 Q. Where did you get that?

2 A. From the Redwood Store.

3 Q. So you would have turned left, walked down to the  
4 Redwood Store, bought this tobacco, and then walked to your  
5 grandmother's house?

6 A. Yes, ma'am.

7 Q. Do you have a nickname that you go by?

8 A. "Red".

9 Q. "Red." Is that what most people know you by?

10 A. Yeah.

11 Q. Now, after the shooting occurred, did you ever have a  
12 conversation with Frank Dover about whether or not to talk  
13 to people about what happened?

14 A. "Don't say nothing about it or I could get in trouble  
15 about it."

16 Q. Who told you not to talk about it?

17 A. Frank.

18 Q. Said "don't talk about it?"

19 A. Yes.

20 Q. Because why?

21 A. He probably would get in trouble.

22 Q. Now, when this originally occurred --

23 And you are currently charged with murder, is that  
24 correct?

25 A. Yes, ma'am.

1 Q. All right. But I have spoken with your lawyer about a  
2 plea to what's called misprision of a felony. Are you aware  
3 of that?

4 A. No, ma'am.

5 Q. Okay. Did you know that Rajshun and Frank were going  
6 to kill Timothy Blair that day before y'all left Mcentire  
7 Mobile Home Park?

8 A. No, ma'am.

9 Q. Did you help them plan the killing of Timothy Blair?

10 A. No, ma'am.

11 Q. All right.

12 After Timothy Blair had been killed and you were aware  
13 of that, did you immediately go to police and tell them what  
14 happened?

15 A. No, ma'am.

16 Q. When police came to you, did you give them statements  
17 about what had occurred?

18 A. Yes, ma'am.

19 Q. Did you know Timothy Blair?

20 A. No, ma'am. I had done seen him around.

21 Q. But you didn't know him?

22 A. No, ma'am.

23 Q. Why did you get in the car with Frank Dover, Rajshun  
24 Foster, and "T"?

25 A. Like I said, I had asked "did do know where I could get

1 some marijuana at?"

2 Q. And he asked you to come with him?

3 A. Yes, ma'am. It was like he was going half on a sack.

4 Q. Just one second, please.

5 (Off the record).

6 (Back on the record).

7 BY MS. LESKANIC:

8 Q. Are you related to Rajshun Foster?

9 A. My grandma said he is.

10 Q. And when you arrived at McEntire Mobile Home Park and  
11 Rajshun and Frank and "T" were outside, did you ever hear  
12 what they were talking about?

13 A. No, ma'am.

14 Q. All you thought you were getting in the car was to go  
15 get some marijuana?

16 A. Yes, ma'am.

17 Q. Thank you very much, Mr. Bonner.

18 Please answer any questions that the defendants have.

19 CROSS EXAMINATION BY MR. MORIN:

20 Q. Mr. Bonner, how old are you?

21 A. Thirty-one.

22 Q. How far did you go in school?

23 A. 11th grade.

24 Q. What school?

25 A. Gaffney High.

1 Q. Can you read and write?

2 A. Not too good.

3 Q. Not too good?

4 A. No, ma'am -- I mean no, sir.

5 Q. Okay. I don't mean anything by this, but I need to ask  
6 you. I know that you have a scar on your head. It goes  
7 almost -- a long way over. Were you in an accident of some  
8 kind?

9 A. I had it since I was little.

10 Q. Sir?

11 A. I had it when I was little.

12 Q. When you were little you were in an accident?

13 A. I don't know why I have it.

14 Q. You don't know why, but you had some kind of surgery?

15 A. Yes, sir.

16 Q. Okay. Is there anything wrong with your hearing?

17 A. Sir?

18 Q. Do you hear okay?

19 A. Yeah.

20 Q. You do?

21 A. All right.

22 Q. All right. Okay.

23 And do you work anywhere?

24 A. I work at Pete's.

25 Q. What do you do at Pete's?

1 A. A little bit of everything.

2 Q. Do you cook?

3 A. I'm on the fryer. I make french fries and stuff.

4 Q. Okay.

5 A. Chicken.

6 Q. Back in 2014 you were staying with your grandma, is  
7 that right?

8 A. Yes, sir.

9 Q. And your grandma wanted you to go get her some chewing  
10 tobacco?

11 A. Yes, sir.

12 Q. She give you the money for the chewing tobacco?

13 A. Yes, sir.

14 Q. I'm going to jump ahead, because you did a bunch of  
15 stuff and then you got back from Redwood with the chewing  
16 tobacco. Did she say anything about how long it took you to  
17 get there?

18 A. No, sir.

19 Q. Did she -- she just wanted you to get it some time that  
20 day?

21 A. Yeah, she always asked me. She probably have a little  
22 bit.

23 Q. She give you the money for it?

24 A. Yes, sir.

25 Q. Were you working back then?

1 A. No, sir.

2 Q. Other than Pete's, have you worked anywhere else?

3 A. I used to help people cut grass and stuff like that.

4 Q. Okay. Now, you went over and you talked to Rajshun  
5 about buying a half -- or going in half for a sack of weed,  
6 right?

7 A. Yes.

8 Q. Where did you get the money for your half of that sack?

9 A. My grandma -- I probably had about two or three  
10 dollars. She probably gave me the rest out of that change.

11 Q. You were going to buy the marijuana, half a sack, out  
12 of the change from the tobacco money?

13 A. No, I had probably about eight dollars.

14 Q. Okay. Did she give you that money too?

15 A. Like I say, she -- she give me some money to buy it.

16 Q. Did you ask her before you left?

17 A. Yes, sir.

18 Q. Did you know that you were going to get marijuana when  
19 you left?

20 A. Uh-uh.

21 Q. Why did you need the eight dollars?

22 A. Like I said, she was -- she asked me to go to the store  
23 for her to get tobacco with it --

24 Q. Okay.

25 A. -- but she usually let me get a couple dollars if I

1 asked.

2 Q. Okay. Now, Frank doesn't live in Mcentire Trailer  
3 Park, does he?

4 A. No, sir.

5 Q. Okay. And as far as the marijuana, did you smoke  
6 marijuana regularly then?

7 A. Yes, sir.

8 Q. About how often did you smoke it?

9 A. When --

10 Q. When you could get some?

11 A. I usually came up with some, or I get some from  
12 somebody.

13 Q. By the end of the day?

14 A. Yeah.

15 Q. So pretty much every day, if you could?

16 A. Yes, sir.

17 Q. Okay. Now, when you talked to Rajshun and you asked  
18 him about going to get marijuana and he said okay, why was  
19 "T" and Frank going?

20 A. He didn't never say. He didn't never say anything.

21 Q. You didn't ask what are we doing?

22 A. Uh-uh.

23 Q. You just got in the car?

24 A. Yes, sir.

25 Q. Okay.

1 Now, did "T" or Frank have a mask with them?

2 A. No.

3 Q. No?

4 A. No.

5 Q. Okay. Now, after you got the marijuana at Connecticut  
6 Village, you heard somebody say they heard a bang, like a  
7 car exploded, is that right?

8 A. Yes, sir.

9 Q. And then after that you directly -- did you or Rajshun  
10 talk to anybody in Connecticut Village after that, or did  
11 you just drive straight out?

12 A. We drove straight out.

13 Q. All right.

14 And when they got back to the car, they got in and you  
15 drove to Mary Davis' house, right?

16 A. Yes, sir.

17 Q. You have been to Mary's house before?

18 A. Yes, sir.

19 Q. Okay. And Frank and "T" got out?

20 A. Yes, sir.

21 Q. The gun that you say that they had, did they take it  
22 with them?

23 A. I don't remember seeing it.

24 Q. A pretty big rifle from what you are saying, right?

25 A. Yeah.

1 Q. Was it in the car?

2 A. But I was in the front seat, though.

3 Q. So you are saying you didn't see --

4 Did you see Frank when he walked up to the house?

5 A. No, sir.

6 Q. Did you see "T" when he walked up to the house?

7 A. No, sir.

8 Q. So you don't know if the rifle that you are talking  
9 about was in the Kia Soul with you, or if they took it? Is  
10 that what you are saying?

11 A. Yes. They had to take them in.

12 Q. What was that?

13 A. I say they didn't leave them laying in the back seat.

14 Q. So you don't know? Maybe they took it with them and  
15 maybe they left it in the car?

16 A. Yes, sir.

17 Q. All right.

18 Well, so when they got out, you are sitting in the  
19 driver -- you are sitting there in the passenger's -- front  
20 passenger's seat, right?

21 A. Yes, sir.

22 Q. In the Kia Soul, a little bitty car, right?

23 A. Yes, sir.

24 Q. The way that you described it, in order to have that  
25 rifle, it would have actually poked out between the two

1 front seats, the way that you were sitting, but when you  
2 were sitting there, was it laid across your lap too?

3 A. No, sir.

4 Q. It was -- from the back seat, and it went all the way  
5 into the front seat?

6 A. Yes, sir.

7 Q. Okay. Where was Frank sitting when you got to Mary  
8 Davis' house?

9 A. I don't remember.

10 Q. Who got into the car first, "T" or Frank?

11 A. I don't remember.

12 Q. Did they both get in the same door, or did one of them  
13 come around to the passenger side?

14 A. No, they got in the same door.

15 Q. All right. They got in the same door, but you don't  
16 know what order they came in, right?

17 A. They got in the door behind me.

18 Q. Right. And you were looking at them?

19 A. No, sir.

20 Q. You weren't looking at them?

21 A. No, sir.

22 Q. All right. And then when you got to Mary's house they  
23 got out?

24 A. Yes, sir.

25 Q. But you don't know -- you didn't look at them when they

1 got out? You just heard them get out?

2 A. They got out of the car.

3 Q. Right.

4 A. They just got in and we pulled off.

5 Q. Right, but you didn't look at them or anything?

6 A. No, sir.

7 Q. You just sit there and were looking straight ahead of  
8 you, right?

9 A. We pulled slam off and they got out.

10 Q. Okay.

11 Now, after this Ms. Leskanic said some time went by  
12 before you talked to the police, right?

13 A. Yes, sir.

14 Q. Did you go back to Connecticut Village any after that?

15 A. No, sir.

16 Q. You didn't get any more marijuana from Connecticut  
17 Village?

18 A. I didn't never have no ride.

19 Q. Okay. Because you don't drove?

20 A. Yes, sir.

21 Q. Who do you live with now?

22 A. My grandma.

23 Q. And the weed, after you got the weed and you say  
24 Rajshun threw it into the car, what happened to it?

25 A. We had split it once we got to the stop sign. Once he

1 was dropping me off at the stop sign where he dropped me off  
2 in front of the trailer park at we split it right there.

3 Q. He was parked right -- he was sitting right in the road  
4 at the stop sign and y'all split it?

5 A. Yes, sir.

6 Q. And how did you split it?

7 A. He got his half and I got my half.

8 Q. I understand that, but you have something to put it in,  
9 or did he dump it in your hand?

10 A. No, it was in a plastic bag.

11 Q. Okay. And did he have another plastic bag, or did  
12 y'all split it? I'm asking who had the other bag that would  
13 have --

14 A. I probably had -- I probably had it in my hand. I  
15 don't remember all that.

16 Q. I'm sorry, you probably had it in your hand?

17 A. Yes, sir.

18 Q. So you just held the marijuana right here in your hand  
19 like this?

20 A. Yes, sir.

21 Q. And then what did you do with it?

22 A. Put it in my back pocket.

23 Q. All right. And then you went to the store and got the  
24 tobacco?

25 A. Yes, sir.

1 Q. And then you went to -- did you stop at "Monkey's" any  
2 more?

3 A. Yeah.

4 Q. Okay. Tell me about that.

5 A. I stopped there and they was talking about somebody was  
6 on Facebook and all that.

7 Q. Talking about what?

8 A. What had happened and all.

9 Q. Talking about what happened down at Connecticut  
10 Village?

11 A. Yes, sir.

12 Q. And what were they saying on Facebook and all those  
13 places?

14 A. It was like Frank done shot that boy and all of that.

15 Q. Do you know who was saying that on Facebook?

16 A. No, sir.

17 Q. Do you have Facebook, Mr. Bonner?

18 A. No, sir.

19 Q. So by the time you got back to "Monkey's" house, people  
20 were already saying Frank?

21 A. Yes.

22 Q. Is that right?

23 A. Yes, sir.

24 Q. Okay. How long did you stay there?

25 A. I stayed there for few minutes, smoked the weed, like I

1 always do.

2 Q. You smoked the weed at Mary's house?

3 A. No, at Frank's house -- I mean in the trailer park at  
4 "Monkey's" house.

5 Q. At "Monkey's" house?

6 A. Yeah, that's where I went to.

7 Q. Did you have the roll papers or did you have to get  
8 them from Mary?

9 A. I had went to the -- when I got it from the store.

10 Q. Oh, okay, when you got your tobacco you got the rolling  
11 papers then?

12 A. Yeah.

13 Q. Okay. When you dropped them off at Mary's house, did  
14 you see Mary?

15 A. No, sir.

16 Q. Do you know if Mary was home?

17 A. No, sir.

18 Q. Do you know who lives with Mary?

19 A. Her mom and her kids.

20 Q. How many kids does she have?

21 A. About two or three.

22 Q. Little kids or teenagers?

23 A. Teenagers.

24 MR. MORIN: Just a moment, Your Honor.

25 (Off the record).

1 ( (Back on the record).

2 MR. MORIN: That's all the questions that I have,  
3 Your Honor.

4 THE COURT: Yes, ma'am.

5 MS. RACINE: If it please the court.

6 CROSS EXAMINATION BY MS. RACINE:

7 Q. Good morning, Mr. Bonner.

8 A. Good morning.

9 Q. How are you?

10 A. All right.

11 Q. I want to follow up with you on a couple of things that  
12 you have already talked to Ms. Leskanic and Mr. Morin about,  
13 okay?

14 You said that you knew Frank and you saw him at  
15 "Monkey's", right?

16 A. Yes, sir -- I mean yes, ma'am.

17 Q. Okay. Who was standing outside talking to Rajshun and  
18 "T"?

19 A. Yes, ma'am.

20 Q. You didn't hear anything that they were saying, did  
21 you?

22 A. No, ma'am.

23 Q. And Frank didn't have that gun in his hand at any time  
24 during that conversation, did he?

25 A. No, ma'am.

1 Q. Okay. All right.

2 And then I believe you said you wanted to go buy some  
3 drugs?

4 A. Yes, ma'am.

5 Q. And so Rajshun said "I know somebody. Let's go buy  
6 some drugs," and you said "okay, let's go." You got in the  
7 back seat of the car?

8 A. Yes, ma'am.

9 Q. Okay. And you said "T" got in the front seat with  
10 Rajshun and then Frank got in the back seat with you, is  
11 that right?

12 A. Yes, ma'am.

13 Q. And at some point when you got in the back seat with  
14 you he's got a gun, correct?

15 A. Yes, ma'am.

16 Q. Okay. Now, is there anything that makes you think that  
17 Rajshun even saw that gun in the car?

18 A. I don't know.

19 Q. He didn't say "Frank, why do you got the gun in my  
20 car?"

21 A. Uh-uh.

22 Q. "Frank, that's a big gun." He didn't -- he didn't even  
23 acknowledge that the gun was there, did he?

24 A. I don't know.

25 Q. So you don't know if he knew or not?

1 A. No, ma'am.

2 Q. You know he had a gun?

3 A. Yes, ma'am.

4 Q. Okay. I believe you also said earlier that after all  
5 this allegedly happened and Frank was in the back seat, you  
6 couldn't tell he had a gun because you were in the front  
7 seat, right?

8 A. Yes, ma'am.

9 Q. Okay. It's hard to see from that front seat what's  
10 going on in that back seat?

11 A. Yes, ma'am.

12 Q. Okay. And you gave three different statements in this  
13 case, is that right?

14 A. Yes, ma'am.

15 Q. And I believe the first one was on July 18th of 2014.  
16 Does that sound right?

17 A. (Shaking head yes).

18 Q. Yes?

19 A. Yes, ma'am.

20 Q. Okay. Just making sure. I don't know if that's a yes  
21 or a no.

22 And then the second statement that you gave was on  
23 July 21st, 2014. Does that sound right?

24 A. I can't remember back that far.

25 Q. Okay. All right.

1 Well, I know you went over these statements this  
2 morning with your attorney, okay?

3 And then the third statement you gave would have been  
4 later on in August. Does that sound about right?

5 A. Yes, ma'am.

6 Q. So you gave three statements over the course of maybe  
7 two to three weeks, does that sound right?

8 A. Yes, ma'am.

9 Q. And your first statement on July 18th would have been,  
10 what, about almost a month after this happened, right?

11 A. Yes, ma'am.

12 Q. So it happened in June, approximately in August -- or  
13 excuse me, July.

14 And do you remember who you met with that day?

15 A. Ma'am?

16 Q. Do you remember which officers you talked to that day?

17 A. Spike and that other one.

18 Q. Spike? Agent McCraw?

19 A. Yes, ma'am.

20 Q. Okay. And did you write this statement?

21 A. No, ma'am.

22 Q. Who wrote this statement?

23 A. Spike.

24 Q. Spike. Agent McCraw wrote this statement?

25 A. Yes, ma'am.

1 Q. Okay. And he asked you to tell him the truth, didn't  
2 he?

3 A. Yes, ma'am.

4 Q. Okay. The whole truth and nothing but the truth,  
5 right?

6 A. Yes, ma'am.

7 Q. And he wanted you to tell him everything that you knew  
8 about what happened that day?

9 A. Yes, ma'am.

10 Q. And you said "okay, I will?"

11 A. Yes, ma'am.

12 Q. Okay. I know you testified earlier today that when you  
13 picked Frank and "T" back up, they got in the car and Frank  
14 was upset, and Rajshun looked at Frank and said "where did  
15 you shoot him?"

16 You reviewed this statement this morning, right?

17 A. Yes, ma'am.

18 Q. Did you see anything in any of your three statements to  
19 that effect? Did you say that in any of your statements?

20 A. Not that I remember, no.

21 Q. Okay. So no, that statement is not in any of these  
22 statements?

23 A. Yes, ma'am.

24 Q. Where you promised to tell the truth, the whole truth  
25 and nothing but the truth?

1 A. Yes, ma'am.

2 Q. And I'm -- you had a good relationship with Agent  
3 McCraw, right? You felt like you could talk to him about  
4 things?

5 A. Yes, ma'am.

6 Q. And did he tell you "you know, Antron, "Red", if you  
7 think of anything afterwards you wrote these statements, you  
8 can call me anytime and we can get together and we can work  
9 on the statements again?"

10 A. Yes, ma'am.

11 Q. Okay. Did you call him at any time to tell him that  
12 you had more information?

13 A. No, ma'am. I was working at the time.

14 Q. What about 2015? Did you call him in 2015 and say "I  
15 have got something to add I forgot?"

16 A. No, ma'am, he didn't never give me his number.

17 Q. Okay. Well, how about Detective Burgess at the  
18 sheriff's office? He's right here in town. I believe you  
19 met with him too, right?

20 A. Yes, ma'am.

21 Q. So you could have called him if you thought of anything  
22 else, right, at the sheriff's office?

23 A. I didn't let them know.

24 Q. So you never contacted him in 2014 or '15.

25 You never contacted him or Agent McCraw in 2016, right?

1 A. Yes, ma'am.

2 Q. You contacted neither one of them in 2017, or 2018,  
3 correct?

4 A. Yes, ma'am.

5 Q. Have you contacted them so far this year to change your  
6 statement?

7 A. No, ma'am.

8 Q. So you're facing a murder charge, right?

9 A. Yes, ma'am.

10 Q. And you met with Ms. Leskanic and she has told you "if  
11 you help me put these two guys in prison, I will reduce your  
12 murder charge to a much lesser charge," is that correct?

13 A. No, ma'am.

14 Q. No, ma'am?

15 A. No, ma'am.

16 Q. So your charge is not being reduced?

17 A. She said I could be looking at the same amount of time  
18 they could be facing.

19 Q. Okay. So what she's offered you would put you in  
20 prison for the same amount of time as murder?

21 A. Yes, ma'am.

22 Q. Okay. But after you met with her --

23 The first time that you have ever testified that  
24 Rajshun even acted like he knew something had happened was  
25 after that meeting with her, right?

1 A. Ma'am?

2 Q. After your meeting with the State's attorney, that was  
3 the first time you ever said to anybody "Rajshun asked where  
4 did you shoot him?"

5 A. Yes, ma'am.

6 Q. Okay. That's a pretty important fact, don't you think?

7 A. (No response).

8 Q. Pretty important?

9 A. Yes, ma'am.

10 Q. Yeah, somebody is trying to help somebody commit a  
11 murder and they say "where did you shoot him," you would  
12 think the police would want to know that, wouldn't you?

13 A. (No response).

14 Q. Yeah?

15 But you never told the police that at all, did you?

16 A. No, ma'am.

17 Q. Okay. And let me just follow up with a few more things  
18 about what happened down in the village that day, okay?

19 You said that you went in there and you pulled by a  
20 dumpster and Rajshun got out and talked to "Slick", right?

21 A. Yes, ma'am.

22 Q. Okay. From some of the testimony we heard yesterday,  
23 you went to "Slick" to go see about the marijuana. Do you  
24 think that you --

25 MS. LESKANIC: Objection.

1 MS. RACINE: Withdrawn, Your Honor.

2 BY MS. RACINE:

3 Q. Do you think that he was trying to get marijuana from  
4 "Slick"? That was your goal?

5 A. I don't know.

6 Q. But you didn't hear any of that conversation?

7 A. No, ma'am.

8 Q. But you could see them talking?

9 A. Yes, ma'am.

10 Q. Did you see Rajshun attack "Slick" in any way?

11 A. No, ma'am.

12 Q. Did he push him?

13 A. No, ma'am.

14 Q. Punch him?

15 A. No.

16 Q. Yell at him? Could you tell by his body language that  
17 he was mad or upset?

18 A. No, ma'am.

19 Q. Okay. Just two friends talking and talking like.

20 How about when Rajshun got back in the car?

21 A. He didn't say anything.

22 Q. He didn't bang on his steering wheel and say "I'm so  
23 tired of him." That was just like normal?

24 A. Yes, ma'am.

25 Q. Just like because you are a friend?

1 A. Yes.

2 Q. And you guys just drove off in the back and he got out  
3 and talked to somebody else?

4 A. Yes, ma'am.

5 Q. Okay. And he got you some marijuana?

6 A. (Shaking head yes).

7 Q. Yeah?

8 A. Yes, ma'am, got us some marijuana.

9 Q. Okay. And then he stood out there and talked to that  
10 man for a few minutes too, right?

11 A. Yes, ma'am.

12 Q. While you sat in the car?

13 A. Yes, ma'am.

14 Q. Could you hear anything they said?

15 A. No, ma'am.

16 Q. Okay. You were looking at the marijuana?

17 A. Yes, ma'am.

18 Q. Yeah, trying to think about getting home and smoking  
19 it, right?

20 A. Yes, ma'am.

21 Q. Okay. And then you say that right after that Rajshun  
22 got a phone call?

23 A. Yes, ma'am.

24 Q. Do you know who that call was from?

25 A. No, ma'am.

1 Q. Do you know what that call was about?

2 A. No, ma'am.

3 Q. You didn't hear Rajshun say hey, so and so, you know?

4 So you don't know who it was?

5 A. No, ma'am.

6 Q. You don't know what he was talking about?

7 A. No, ma'am.

8 Q. You say while you were sitting there a little boy came  
9 by and said he heard a car explosion?

10 A. Yes, ma'am.

11 Q. And you are sure it was a little boy?

12 A. Yes, ma'am.

13 Q. Okay. And then Rajshun turned around and left the  
14 village right then?

15 A. Yes, ma'am.

16 Q. He didn't go back over to that first set of -- or first  
17 trash can that you went to initially and sit there?

18 A. No, ma'am.

19 Q. He didn't park anywhere else in the complex?

20 A. No, ma'am.

21 Q. When you drove over to Mary's house did Rajshun get  
22 out?

23 A. No, ma'am.

24 Q. On the way there did Rajshun say anything about what  
25 happened down there?

1 A. No, ma'am.

2 Q. Okay. "Did you kill "Slick"?" He didn't say that, did  
3 he?

4 A. Yes, ma'am.

5 Q. You would have put that in your statement, though, if  
6 he said it, wouldn't you?

7 A. That's what I said he said.

8 Q. Okay. A few minutes ago you said that that wasn't in  
9 your statement, that you never put that in your statement?

10 A. No, ma'am.

11 Q. Okay. And you would have put it in there if it was  
12 important? You would have wanted the police to know?

13 A. Yes, ma'am.

14 Q. Okay.

15 MS. RACINE: Court's indulgence, Your Honor.

16 THE COURT: Yes.

17 (Off the record).

18 (Back on the record).

19 MS. RACINE: That's all the questions that I have,  
20 Your Honor.

21 THE COURT: Yes, ma'am.

22 MS. LESKANIC: Thank you, Your Honor.

23 REDIRECT EXAMINATION BY MS. LESKANIC:

24 Q. Mr. Bonner, Ms. Racine talked about three statements  
25 that you gave to police. Were they three different

1 statements, or were they three statements that contained  
2 additional information when you were trying to provide  
3 information to law enforcement?

4 A. (Unintelligible answer).

5 Q. Okay. So in any of those statements did you say "my  
6 first statement was a lie. Let me now tell you the truth?"

7 A. No, ma'am.

8 Q. You just were giving additional information to law  
9 enforcement?

10 A. What?

11 Q. Were you giving additional information to law  
12 enforcement about what happened on June 22nd?

13 A. Yes, ma'am.

14 Q. And, in fact, on the third statement it was your aunt  
15 who contacted law enforcement and says "Antron wants to tell  
16 you more," is that correct?

17 A. Yes, ma'am.

18 Q. Okay. And there is -- you did give a prior sworn  
19 statement, other than those three statements, where you said  
20 Rajshun asked "where did you shoot him," is that correct?

21 A. Yes, ma'am.

22 Q. Okay. So you have given that information before today?

23 A. Yes, ma'am.

24 Q. So when --

25 And in those statements that you gave to police back in

1 2014, did you identify Rajshun Foster?

2 A. Yes, ma'am.

3 Q. As the driver of the car?

4 A. Yes, ma'am.

5 Q. Who dropped off "T" and Frank?

6 A. Yes, ma'am.

7 Q. Who picked them up after the shooting?

8 A. Yes, ma'am.

9 Q. And dropped them off at Mary's house?

10 A. Yes, ma'am.

11 Q. And in those statements that you provided to police  
12 back in 2014, did you identify Frank Dover?

13 A. Yes, ma'am.

14 Q. As the man who got the rifle out of the car?

15 A. Yes, ma'am.

16 Q. With the glove?

17 A. Yes, ma'am.

18 Q. Went down the wooded trail?

19 A. Yes, ma'am.

20 Q. Came back to the car?

21 A. Yes, ma'am.

22 Q. Picked up by Rajshun Foster?

23 A. Yes, ma'am.

24 Q. And then said "get me out of here. Get me out of here  
25 out of this side of town?"

1 A. Yes, ma'am.

2 Q. Rajshun Foster said "where did you shoot him?"

3 A. Yes, ma'am.

4 Q. And Frank Dover says "I shot him in the chest area?"

5 A. Yes, ma'am.

6 Q. And that's the information that you provided to police  
7 in 2014, is that correct?

8 A. Yes, ma'am.

9 Q. And this happened -- is that the same information that  
10 you were providing the ladies and gentlemen of this jury  
11 today?

12 A. Yes, ma'am.

13 Q. Now, how much was the marijuana that y'all were going  
14 in on?

15 A. Ten dollars worth.

16 Q. So five dollars for each of you?

17 A. Yes, ma'am.

18 Q. So this wasn't a -- you didn't need hundreds of dollars  
19 to buy this marijuana? You needed a five dollar bill?

20 A. Yes, ma'am.

21 Q. Did you already have money with you?

22 A. Yes, ma'am.

23 Q. So you had money for the marijuana and money for your  
24 grandmother's tobacco?

25 A. I think she had gave me a couple dollars. I already

1 had a couple dollars.

2 Q. Okay. So you had enough money for both?

3 A. Yes.

4 Q. Now, Ms. Racine asked if you said after meeting with  
5 the State's attorney about what Rajshun said. You and I  
6 have met, is that correct?

7 A. Yes, ma'am.

8 Q. I have met with you and your lawyer?

9 A. Yes, ma'am.

10 Q. During any of those meetings have I ever told you what  
11 to say?

12 A. No, ma'am.

13 Q. What have I asked of you, Mr. Bonner?

14 A. To tell the truth and nothing but the truth.

15 Q. And is that what you are doing to this jury today?

16 A. Yes, ma'am.

17 Q. Have I promised you anything?

18 A. No, ma'am.

19 Q. Threatened you in any way?

20 A. No, ma'am.

21 Q. Did you want to come and testify as to what happened  
22 that day?

23 A. No, I didn't, but I had to.

24 Q. And why did you have to?

25 A. Because y'all say that I done it, that I was in it, and

1 I was -- tell them I didn't do nothing but get a sack.

2 Q. So you are here because you don't want to go down for a  
3 murder you didn't know was going to happen?

4 A. Yes, ma'am.

5 Q. But they put you in the car with them to commit this  
6 murder?

7 A. Yes, ma'am.

8 Q. Were they -- were you friends with Rajshun, or did you  
9 think that you were friends with Rajshun?

10 A. Yes, ma'am.

11 Q. Did you think Frank Dover was your friend?

12 A. Yes, ma'am.

13 Q. So you trusted them?

14 A. Yes, ma'am.

15 Q. And they put you in the car with them to commit murder?

16 A. Yes, ma'am.

17 Q. Now, did you pay attention when Frank and "T" got back  
18 in the car? How was the car positioned and where did they  
19 get into the car?

20 A. It was like in the wooded area and got into the back  
21 seat.

22 Q. Did they come up behind the car?

23 A. They --

24 Q. Do you remember seeing them come out through the woods  
25 and get into the car? Were you watching them come out of

1 the woods?

2 A. I don't remember.

3 Q. Okay. But both of them got back in the car?

4 A. Yes, ma'am.

5 Q. All right. And do you remember if you saw a gun with  
6 either one of them when they got back in the car?

7 A. No, ma'am.

8 Q. Okay. You didn't, or you don't remember?

9 A. I don't remember.

10 Q. Do you remember if you saw either one of them get out  
11 of the car at Mary's house with a gun?

12 A. I don't remember.

13 Q. Okay. Was the gun left in the back of the Kia Soul?

14 A. If it was, it was in there with Rajshun.

15 Q. Okay. You didn't have it?

16 A. No, ma'am.

17 Q. And you don't remember if you saw it or not?

18 A. No, ma'am.

19 Q. Now, when Agent McCraw wrote your statements, did he  
20 just write what he wanted to write, or did he write down  
21 what you told him to write?

22 A. Wrote down what I was telling him.

23 Q. Did Rajshun Foster say --

24 When Frank Dover got back in the car and said "drive,  
25 drive, get me out of here," did Rajshun Foster say "where

1 did you shoot him?"

2 A. Yes, ma'am.

3 Q. Thank you.

4 THE COURT: Anything?

5 MR. MORIN: Nothing from me, Your Honor.

6 MS. RACINE: May we approach?

7 (Whereupon, the lawyers approached the bench for  
8 an off-the-record discussion)

9 MS. LESKANIC: Thank you, Your Honor.

10 THE COURT: Anything?

11 MS. RACINE: Nothing, Your Honor.

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

13 Please be careful.

14 MS. LESKANIC: The State calls Mary Davis.

15 THE CLERK: Please raise your right hand and place  
16 your left your -- no, raise your right hand. Raise your  
17 right hand.

18 MARY DAVIS, having been first duly sworn,  
19 testified as follows:

20 THE WITNESS: I do.

21 THE CLERK: Watch your step.

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

24 THE WITNESS: Mary Davis, D-A-V-I-S.

25 THE COURT: Thank you.

1 Solicitor.

2 MS. LESKANIC: Thank you.

3 DIRECT EXAMINATION BY MS. LESKANIC:

4 Q. Good morning, Ms. Davis.

5 A. Good morning.

6 Q. I want to take you back to 2014, and a little bit  
7 before that. Do you know Franklin Dover?

8 A. Yes.

9 Q. And how do you know him?

10 A. We was dating.

11 Q. You were dating in 2014?

12 A. Uh-huh.

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

14 A. Yes, ma'am.

15 Q. What is he wearing?

16 A. Orange and red striped shirt.

17 MS. LESKANIC: Your Honor, I would like the record  
18 to reflect she's identified Franklin Dover.

19 THE COURT: So noted.

20 MS. LESKANIC: Thank you, Your Honor.

21 BY MS. LESKANIC:

22 Q. How long were you and Mr. Dover dating? When did you  
23 start dating, approximately?

24 A. Approximately about 2004 or five, one of those two.

25 Q. Okay. Started dating in 2004 or five, and you were

1 still dating in 2014?

2 A. Uh-huh.

3 Q. And did you continue to date after 2014?

4 A. Yeah.

5 Q. How long -- are y'all still dating now?

6 A. No.

7 Q. When did y'all stop dating?

8 A. Probably about a year ago.

9 Q. Okay. Why did y'all stop dating?

10 A. He moved in with his girlfriend.

11 Q. Okay. He moved in with another woman?

12 A. Yeah.

13 Q. Okay. You were aware of that girlfriend when you were  
14 dating him in 2014, though, is that correct?

15 A. Yes, ma'am.

16 Q. Okay.

17 Now, I want to take you back to June 22nd of 2014.

18 Where were you living at the time?

19 A. 614 Littlejohn Street.

20 Q. Did you see Frank Dover on June 22nd, 2014?

21 A. Yes.

22 Q. All right. Approximately what time did you see him?

23 A. About five.

24 Q. Around five?

25 A. Uh-huh.

1 Q. A.m. or p.m.?

2 A. P.m..

3 Q. P.m.. All right. So about five in the afternoon.

4 Where do you see him?

5 A. He was walking up to the house.

6 Q. He was walking up to your house on Littlejohn Street?

7 A. Uh-huh.

8 Q. Where were you?

9 A. In the house, in the kitchen.

10 Q. Did you see him walk up or how he got to your home?

11 A. No, I didn't see how he got there. I just seen him  
12 walk up.

13 Q. Okay. So tell the jury what you saw. How were you  
14 first made aware that Frank Dover was at your house?

15 A. I was washing dishes and I looked up and he was out  
16 there.

17 Q. Okay. Just coming into the house?

18 A. He was like coming in the yard.

19 Q. Okay. And was he alone?

20 A. No, sir -- no, ma'am, I'm sorry.

21 Q. That's okay.

22 Who was he with?

23 A. Terence.

24 Q. Okay. Do you know his nickname?

25 A. "T".

1 Q. "T". All right.

2 So Frank and "T" walked up to your house somewhere  
3 around five o'clock?

4 A. Yes, ma'am.

5 Q. Okay. And what happens when they come in? Did they  
6 come into the house?

7 A. Yes, ma'am.

8 Q. All right. Tell the ladies and gentlemen of the jury  
9 what happens when they come in, please.

10 A. He was in the bedroom. When he came and asked me  
11 was -- he was ready to go and I told him yes, and he went to  
12 the bedroom.

13 Q. Okay. Who went to the bedroom?

14 A. Frank.

15 Q. All right. Did you go in the bedroom with him?

16 A. Yeah.

17 Q. What did he do when he got in the bedroom?

18 A. Changed his clothes.

19 Q. What did he take off? You don't have to tell me  
20 exactly what the clothes were, but what items of clothing  
21 did he take off?

22 A. The white pants and a shirt.

23 Q. So he took off his pants and his shirt?

24 A. Uh-huh.

25 Q. And what did he do with those things?

1 A. Put them inside the bag.

2 Q. Okay. Did he put it in something before he put it in  
3 the bag?

4 A. A little shoe box, but I don't know if he -- I don't  
5 know.

6 Q. Had Frank recently purchased a pair of shoes that he  
7 was wearing that day?

8 A. No. No, ma'am.

9 Q. Was there a shoe box under your bed that belonged to  
10 Frank?

11 A. Yeah.

12 Q. And did he put his shirt and his pants inside that shoe  
13 box?

14 A. Yes, ma'am.

15 COURT REPORTER: Speak up, please.

16 A. Yes, ma'am.

17 BY MS. LESKANIC:

18 Q. And what did he do with the shoe box containing his  
19 shirt and pants?

20 A. Just set it right there a couple of minutes.

21 Q. He put that shoe box into something else?

22 A. A bag.

23 Q. And then what was done with that bag containing his  
24 clothes?

25 A. It was left there.

1 Q. Okay.

2 A. And when we left, it was left there as well.

3 Q. Okay. And so you said when Frank walked in, he said  
4 "are you ready to go?"

5 A. Yes, ma'am.

6 Q. Where were y'all supposed to go that day?

7 A. Spartanburg to one of his family member's house.

8 Q. For what?

9 A. Somebody -- one of his cousins was getting out of jail.  
10 They were having a coming home party.

11 Q. Okay. So did y'all go straight to that house in  
12 Spartanburg?

13 A. No, we stopped by the Westgate Mall.

14 Q. Okay. Before we get to Westgate Mall, Frank and "T"  
15 come into the house?

16 A. Uh-huh. Yes, ma'am.

17 Q. Frank takes his clothes off and puts on -- did he have  
18 clean clothes at your house?

19 A. Yes, ma'am.

20 Q. And he puts the clothes that he was wearing in his shoe  
21 box, puts that shoe box in a bag?

22 A. Yes, ma'am.

23 Q. In the years that you have been knowing Frank, did he  
24 ever put his clothes in a shoe box before?

25 A. No, ma'am, I don't know.

1 Q. Okay. Now, how long were y'all at your house before  
2 you left?

3 A. Probably about fifteen minutes.

4 Q. So not very long?

5 A. No, ma'am.

6 Q. Did "T", or Terence, take his clothes off while he was  
7 at your house?

8 A. No, ma'am.

9 Q. How did you -- did you have a car, or did y'all borrow  
10 a car?

11 A. My cousin -- we borrowed my cousin's car.

12 Q. Was she at your house?

13 A. Yes, ma'am.

14 Q. So you asked her while they were there if you could  
15 borrow the car?

16 A. Yes, ma'am.

17 Q. And then you were going to go to Westgate Mall?

18 A. Yes, ma'am.

19 Q. But you weren't -- whose idea was it to go to Westgate  
20 Mall?

21 A. His.

22 Q. His, being who?

23 A. Frank.

24 Q. Okay. So Frank wanted to go -- you thought you were  
25 going to a cookout in Spartanburg, but he said "let's go to

1 Westgate Mall"?

2 A. Yeah. He was going to buy something.

3 Q. Okay. But you didn't have any knowledge of that before  
4 he got there? You thought -- you just testified y'all were  
5 going to a cookout --

6 A. Yeah.

7 Q. -- correct?

8 A. Correct.

9 Q. So y'all get into the car. Does "T" get into the car  
10 with you?

11 A. Yes.

12 Q. Does "T" go to Westgate Mall with you?

13 A. No, ma'am.

14 Q. Where does "T" get out?

15 A. He got dropped off on the little road in front of the  
16 trailer park.

17 Q. Okay. I'm going to show you State's Exhibit 24 and see  
18 if by looking at this exhibit you would be able to tell the  
19 ladies and gentlemen of the jury where you lived and where  
20 you dropped "T" off?

21 A. Uh-huh. Yes, ma'am.

22 Q. Okay.

23 MS. LESKANIC: Your Honor, at this time I offer  
24 State's Exhibit 24 for admission as evidence.

25 MR. MORIN: I have no objection.

1 MS. RACINE: No objection.

2 THE COURT: Without objection, 24 is admitted.

3 (Whereupon, State's Exhibit No. 24 was entered  
4 into the record as evidence)

5 MS. LESKANIC: May I publish.

6 THE COURT: Yes, ma'am.

7 MS. LESKANIC: Thank you, Your Honor.

8 BY MS. LESKANIC:

9 Q. Okay, Ms. Davis, if you don't mind stepping down.

10 If you could show the ladies and gentlemen of the jury  
11 where your house was and what route you took to drop "T"  
12 off, please? Be careful coming down.

13 (Witness off the witness stand).

14 A. I lived right there.

15 BY MS. LESKANIC:

16 Q. Please speak up loud enough so that the court reporter  
17 can hear you, please.

18 A. I stayed here.

19 Q. Okay. You stayed on Littlejohn Street?

20 A. Yes, ma'am.

21 Q. All right. And then where did y'all take "T"?

22 A. Down this road right here.

23 Q. So to that stop sign on Sarratt Avenue?

24 A. Yes, ma'am.

25 Q. And where is McEntire Mobile Home Park?

1 A. Across.

2 Q. Okay. All of those mobile homes to the -- across the  
3 road, that's Mcentire Mobile Home Park?

4 A. Yes.

5 Q. And which way did y'all go?

6 A. There.

7 Q. And did you take -- how did you get to Westgate Mall?

8 A. 85.

9 Q. You took Interstate 85?

10 A. Yes, ma'am.

11 Q. Okay.

12 (Witness back on the witness stand).

13 BY MS. LESKANIC:

14 Q. Did you make any stops along the way? Other than  
15 dropping "T" at the stop sign, did you head straight to  
16 Westgate Mall?

17 A. Yes, ma'am.

18 Q. What time you did you arrive at the mall?

19 A. About 5:30.

20 Q. 5:30?

21 A. Yes, ma'am.

22 Q. And what did you do when you got to the mall?

23 A. We went to the mall, but they was getting ready to  
24 close, so --

25 Q. Do you remember what day of the week it was?

1 A. Sunday.

2 Q. What time does the mall close on Sunday?

3 A. Six o'clock.

4 Q. So you got there I think 5:30, or closer to six o'clock  
5 and the mall was closing?

6 A. It was close to six o'clock because the store I was  
7 going in was closed.

8 Q. So you were able to go into the mall?

9 A. Uh-huh.

10 Q. But you went in and you tried to go to the store?

11 A. Uh-huh.

12 Q. And that store was already closed?

13 A. Yes, ma'am.

14 Q. And the mall closes at six o'clock?

15 A. (Shaking head yes).

16 Q. All right. And did Mr. Dover go into the mall?

17 A. Yes, ma'am.

18 Q. Did he buy anything at the mall?

19 A. No, ma'am.

20 Q. After you went to your store and it was already closed,  
21 what did you do?

22 A. Went and got back in the car.

23 Q. Okay. And waited on Mr. Dover?

24 A. Yes, ma'am.

25 Q. Did he come back out?

1 A. Yes, ma'am.

2 Q. And then where did the two of you go from there?

3 A. To his cousin's house.

4 Q. Okay. Did you notice if Mr. Dover had his phone with  
5 him when he was in the car with you?

6 A. No, ma'am.

7 Q. You don't remember that?

8 A. No, ma'am.

9 Q. Do you remember giving a statement to law enforcement  
10 back on July 10th of 2014?

11 A. Uh-uh.

12 Q. You don't remember that?

13 A. (Shaking head no).

14 MS. LESKANIC: May I approach, Your Honor?

15 THE COURT: Yes, ma'am.

16 BY MS. LESKANIC:

17 Q. Let me show you these three pages and you take a moment  
18 and look through that and tell me if you recognize it.

19 A. (Witness examining document).

20 Q. Does that refresh your memory? Is this the statement  
21 that you gave police and signed?

22 A. Yes, ma'am.

23 Q. Okay. Did you have an opportunity to read it, or do  
24 you need to read it?

25 A. I did.

1 Q. I'm sorry?

2 A. I glanced over it.

3 Q. Okay. Do you remember now whether or not Mr. Dover had  
4 a phone with him when he was in the car with you on the way  
5 to Westgate Mall?

6 A. He had a phone.

7 Q. I'm sorry?

8 A. He had a phone, but I don't remember him talking on it.

9 Q. Okay. I just asked if he had a phone with him.  
10 He did have his phone with him?

11 A. Yes, ma'am.

12 Q. But you don't remember him receiving or making any  
13 calls, is that correct?

14 A. No, ma'am.

15 Q. Okay.

16 Now, the clothes that he took off, put in the shoe box  
17 and put in the bag, did he leave those at your home?

18 A. Yes, ma'am.

19 Q. And what did you do with those clothes?

20 A. I put them on the porch, because his friend was  
21 supposed to come and picked them up.

22 Q. Who was his friend?

23 A. "Woot".

24 Q. And how did "Woot" know to come and pick up Frank's  
25 clothes?

1 A. I called him and told him to come get them. I called  
2 and told him that Frank said to come pick it up.

3 Q. Okay. So --

4 A. Or he was going to pick it up later.

5 Q. Did Frank ask you to call his friend "Woot" to come  
6 pick up his clothes?

7 A. Yes, ma'am.

8 Q. And did you make that phone call for Frank to "Woot"?

9 A. Yes, ma'am.

10 Q. And did "Woot" come and get Frank's clothes?

11 A. Yes, ma'am.

12 Q. Do you know what happened to the clothes after that?

13 A. No, ma'am.

14 Q. Now, did Frank ever come to you and ask you to tell  
15 police that y'all had been together longer that day than you  
16 had been together?

17 A. He just said to tell them that we went to Spartanburg,  
18 which that's what we done. We went to Spartanburg.

19 Q. And what else did he say?

20 A. That we went about 3:15.

21 Q. Okay. So Frank came to you and said "tell the police  
22 we went to Spartanburg?"

23 A. Yeah.

24 Q. And you said "we did go to Spartanburg?"

25 A. Uh-huh.

1 Q. And he said "tell them that we went at 3:15?"

2 A. Yeah.

3 Q. Is that correct?

4 A. Yes, ma'am.

5 Q. But he didn't show up to your house until somewhere  
6 around five, correct?

7 A. Yes, ma'am.

8 Q. You are at your house for approximately fifteen  
9 minutes?

10 A. Yes, ma'am.

11 Q. You drive straight to Westgate Mall?

12 A. Yes, ma'am.

13 Q. And you arrived at the mall at closing time, which is  
14 six o'clock on Sundays?

15 A. Yes, ma'am.

16 Q. And made no other stops along the way?

17 A. No, ma'am.

18 MS. LESKANIC: One second, please.

19 (Off the record).

20 (Back on the record).

21 BY MS. LESKANIC:

22 Q. I think that's all the questions that I have for you.  
23 Please answer any questions of the defense.

24 THE COURT: Yes, sir.

25

1 CROSS EXAMINATION BY MR. MORIN:

2 Q. During the time that you were dating Frank, he was also  
3 seeing Brittany Watkins, wasn't he?

4 A. Yes.

5 Q. And you knew about that?

6 A. Yeah.

7 Q. Did Brittany know, or if you know if Brittany knew,  
8 y'all were dating?

9 A. I don't know if she knew or not.

10 Q. Okay. And did Frank keep a lot of clothes at your  
11 house?

12 A. No, he had about one or two pieces.

13 Q. Okay.

14 Now, when he got there, did you see if he was carrying  
15 anything in his hand?

16 A. No, he had a Hennessy bottle. That was it. That's all  
17 I remember seeing.

18 Q. He was carrying a Hennessy bottle?

19 A. Yeah.

20 Q. Okay. Now, I know what Hennessy is, but I'll be honest  
21 that I don't know about how big a bottle Hennessy is. Can  
22 you tell me what size bottle you saw him carrying?

23 A. It wasn't --

24 Q. Hand side -- I don't even know what Hennessy comes in.

25 A. It wasn't a small one. It was -- it was about -- about

1       like that.

2       Q.    Okay.

3           How many -- how many phones does Frank have, do you  
4       know? Does he have more than one?

5       A.    I just seen one.

6       Q.    Okay.

7           Now, you say it was five o'clock and that you were  
8       going to a cookout because somebody he knew was getting out  
9       of jail?

10      A.    Yeah.

11      Q.    A relative of his was getting out of jail?

12      A.    Yes, sir.

13      Q.    And was there a cookout?

14      A.    Yes, sir.

15      Q.    Did the relative get home? Did he show up, the person  
16      you were there for?

17      A.    I don't know.

18      Q.    You don't remember?

19      A.    No, I just know we went there.

20      Q.    Okay.

21           Now, when -- who else was at your house when he got  
22      there when you seen him?

23      A.    My mom, my kids, and my brother.

24      Q.    How old is his brother?

25      A.    Now he's thirty-two.

1 Q. Okay. And your kids, were they young or teenagers?

2 A. They was teenagers.

3 Q. Both young?

4 A. Yeah, they was teenagers.

5 Q. Okay. So they were all there too?

6 A. Uh-huh.

7 Q. When you talked to Frank and Frank said, "you know, we  
8 went to Spartanburg," you were having that conversation, do  
9 you remember that?

10 A. Yes, sir.

11 Q. Now --

12 Let me ask you this. Did you say it was about five  
13 o'clock when you got there?

14 A. Yes, sir.

15 Q. Would you tell me why you remember it was five o'clock?

16 A. Sir?

17 Q. Can you tell me why you knew it was five o'clock? Did  
18 you look at the clock? Was there something going on, or was  
19 it that's when he was supposed to be there?

20 A. No, I just knew it was five o'clock, because by the  
21 time we got to the Westgate Mall it was about time to close.

22 Q. You based it off of that?

23 A. Yes.

24 Q. Okay.

25 And now these two people, Frank and "T", came into your

1 house, they didn't have anything -- any guns with them, did  
2 they?

3 A. No, sir.

4 Q. You would have noticed that?

5 A. Yes, sir.

6 Q. And when they -- when you saw them coming up to the  
7 house or about to get in the yard, I think is what you said?

8 A. Uh-huh.

9 Q. Just standing on the street directly in front of the  
10 house? I know it's kind of a long time ago.

11 A. What are you saying?

12 Q. Well, let me put it this way. Most houses, they have  
13 like a pathway or a sidewalk or something that comes up to  
14 the house?

15 A. No.

16 Q. Or a fence around the house with a gate. Nothing like  
17 that?

18 A. No.

19 Q. So when you say about to get into -- he's about to come  
20 in the yard, which is what you told Ms. Leskanic --

21 A. Uh-huh.

22 Q. -- what does that mean?

23 A. I mean like he was walking on the road.

24 Q. Walking on the road?

25 A. Like coming in.

1 Q. Okay.

2 A. Yeah.

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

4 THE COURT: Yes, ma'am.

5 CROSS EXAMINATION BY MS. RACINE:

6 Q. Ms. Davis, did you ever see Rajshun Foster that day?

7 A. No.

8 Q. Thank you.

9 MS. RACINE: No further questions.

10 THE COURT: Anything?

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

12 THE COURT: Ma'am, you may step down. Please be  
13 careful.

14 Let's take fifteen minutes.

15 Mr. Foreman, ladies and gentlemen, we have been  
16 running now a good hour and a half, so we are going to take  
17 a break at this point in time and then we will come back and  
18 run up to the lunch hour.

19 Don't talk about the case. It's not ended at this  
20 time. Thank you.

21 Mr. Foreman.

22 Again, if anybody needs to smoke, tell the  
23 bailiffs and they will make sure to escort you out.

24 (The following takes place outside the presence of  
25 the jury panel)

1 THE COURT: All right. Let's take a good fifteen  
2 minutes.

3 (Whereupon, proceedings were recessed)

4 (Whereupon, proceedings were reconvened)

5 THE COURT: Ready for the jury?

6 MR. KENDALL: Yes, sir, Your Honor.

7 THE COURT: We will have the jury.

8 (The following takes place in the presence of the  
9 jury panel)

10 THE COURT: Any matters for the jury, Mr. Foreman?

11 JURY FOREPERSON: No.

12 THE COURT: Ready to go.

13 Solicitor.

14 MR. KENDALL: Thank you, Your Honor.

15 The State would call Agent Cory Wilson.

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

18 SLED AGENT CORY WILSON, having been first duly  
19 sworn, testified as follows:

20 THE WITNESS: I do.

21 THE CLERK: Watch your step.

22 THE COURT: Sir, tell us your name and spell your  
23 last name for the court reporter, please.

24 THE WITNESS: Cory Wilson, W-I-L-S-O-N.

25 THE COURT: Thank you.

1 Solicitor.

2 DIRECT EXAMINATION BY MR. KENDALL:

3 Q. Mr. Wilson, or Agent Wilson, where are you currently  
4 employed?

5 A. SLED, the South Carolina Law Enforcement Division.

6 Q. How long have you worked there?

7 A. A little over two years.

8 Q. And what are your responsibilities at the South  
9 Carolina Law Enforcement Division?

10 A. Cellphone analysis, as well as mapping as it pertains  
11 to location, as well as assist in fugitive apprehension.

12 Q. Okay. And with regards to the cellphone mapping, what  
13 sort of training did you undergo to learn how to do that?

14 A. Went through a SLED field training program that  
15 consisted of learning how to analyze cellphone records and  
16 mapping them according to locations.

17 Q. All right.

18 A. I have also been through a PLH-11 class, which is a  
19 tool used by us to analyze -- assist and analyze records as  
20 well.

21 Q. Okay. And in preparation for this case did you analyze  
22 any phone records?

23 A. I did.

24 Q. I'm going to show you what is marked -- or, excuse me,  
25 what has been admitted as State's Exhibit 25. If you could

1 take a look at that.

2 And does that appear to be the phone records that you  
3 would have used in your analysis?

4 A. It does.

5 Q. And, likewise, I'm going to show you what has been  
6 marked -- or admitted, excuse me, into evidence as State's  
7 Exhibit 26. Do you recognize this as well?

8 A. I do. This is cell site locations.

9 Q. All right. And was that what you used for your  
10 analysis as well?

11 A. It is.

12 Q. Okay. Now, just so we are clear with the jury, you are  
13 not the first agent who has worked on this case, correct?

14 A. I am not.

15 Q. Do you recall who the original agent was that worked on  
16 the case?

17 A. Lieutenant Mark Berube.

18 Q. Where is Lieutenant Berube now?

19 A. He's unavailable due to military obligations. I was  
20 advised and reviewed the case and to be present today.

21 Q. All right. And so what did you do to review this case?  
22 How did you go about reviewing it?

23 A. Looked over the mapping report to the extent of the  
24 call detail records and going through and manually mapping  
25 each transaction that was on the report and verifying what

1 was on there.

2 Q. Okay. So you looked back through it and manually  
3 rechecked his work, is that correct?

4 A. Correct.

5 Q. And do you know what sort of technology was used in the  
6 initial making of the report?

7 A. It appears that this case he used CASTFIZ, which is a  
8 tool that's provided by the FBI for us to analyze records.

9 Q. All right. So when you were double-checking him, what  
10 did you use?

11 A. When I double-checked it I manually did it. I used  
12 GOBARZ and then a range rinx tool through GOBARZ to manually  
13 do it.

14 Q. Okay. So basically he did it one way and then you  
15 manually checked that on top of that as well?

16 A. Yes.

17 Q. I'm going to show you what is marked State's  
18 Exhibit 27. Do you recognize this?

19 A. Yes, I do.

20 Q. And what is that?

21 A. It's a mapping report.

22 Q. Okay. And who originally prepared that?

23 A. Lieutenant Mark Berube.

24 Q. And have you had the opportunity to review that report?

25 A. I have.

1 Q. All right. And is the information that's contained in  
2 there accurate, as far as you can tell, after you checked  
3 that?

4 A. Yes.

5 Q. Okay. And is that a fair and accurate representation  
6 of the analysis that was conducted in this case?

7 A. Yes.

8 MR. KENDALL: Your Honor, we would offer State's  
9 Exhibit 27 into evidence at this time.

10 MR. MORIN: No objection.

11 MS. RACINE: No objection.

12 THE COURT: Without objection, State's Exhibit 27  
13 is admitted.

14 (Whereupon, State's Exhibit No. 27 was entered  
15 into the record as evidence)

16 MR. KENDALL: Anyway, we would request to publish  
17 freely. It's multiple slides.

18 THE COURT: Yes.

19 BY MR. KENDALL:

20 Q. I should have asked this. When you were conducting  
21 this slide show, was this in regards to cellular phone  
22 number 425 -- (864) 425-2314?

23 A. That sounds correct.

24 Q. Okay. And could you please describe to the jury when  
25 you are mapping these locations, what you do? What

1 information do you use to map this?

2 A. In this case Sprint provides call detail records, which  
3 are transactions that are placed with the cellphone. In  
4 turn, Sprint provides a cell location database of all the  
5 towers that they service.

6 Q. All right. And did they provide you on that sheet  
7 whose phone this was?

8 A. The subscriber information they did provide.

9 Q. Take a look at that front page. Oh, second page, I'm  
10 sorry.

11 And whose -- whose information is that on file?

12 A. Franklin Dover.

13 Q. Okay.

14 So going back to what we are talking about, they  
15 provide you with the locations of cell towers, is that  
16 correct?

17 A. That's correct.

18 Q. And they provide with you call records.

19 What sort of things is relevant to you that are on the  
20 call records that are particularly important?

21 A. The records are going to provide tower location and  
22 azimuth, which is access to the time of the transaction.

23 Q. Okay. All right.

24 So it's basically you have got the point of where the  
25 tower is, you have got the orientation of the tower, and you

1 have got part of the tower it's hitting, is that fair to  
2 say? Would that be a layman's --

3 A. Basically.

4 Q. I'm going to show you State's Exhibit 27. We'll start  
5 working through this.

6 Do you recognize what this is?

7 A. It's a cellphone tower.

8 Q. Okay. And how many sectors would that --

9 MR. KENDALL: If you could dim the lights real  
10 fast?

11 A. Typically three.

12 BY MR. KENDALL:

13 Q. Okay. All right.

14 And going forward, is a Sprint tower typically a three  
15 sector tower?

16 A. They are.

17 Q. Okay. And do you know what type of three sector tower  
18 these are? Are these Nortel or lucent?

19 A. These are lucent towers.

20 Q. What is the significance of that on the reference  
21 sheet?

22 A. Basically your lucent towers, instead of being sectors  
23 1, 2, and 3, they are listed as 2, 3, and 4. So 2 would be  
24 1, 3 will be 2, and 4 will be 3. You still have three  
25 sectors.

1 Q. Okay. And those were identified on the tower  
2 information provided?

3 A. They are on the tower -- or the cell site location, the  
4 tower list provided by Sprint.

5 Q. All right. And I believe you talked about some of this  
6 before. What was the phone number which you were asked to  
7 analyze?

8 A. (864) 425-2314.

9 Q. And the service provider, time frame analyzed, incident  
10 location?

11 A. It's Sprint, June 22nd through June 23rd, 409 East  
12 Junior High Road in Gaffney.

13 Q. Okay. All right.

14 And then does this appear to be 409 East Junior High  
15 Road in Gaffney, Connecticut Village Apartments?

16 A. It does.

17 Q. Okay.

18 Now, I'm going to show you from a call detail report  
19 numerous pages that you all were provided. I know it's  
20 somewhat difficult to read. If you want to just review the  
21 exact one as well.

22 Do you recall where this information came from that's  
23 on your slide show?

24 A. From the Sprint call detail records.

25 Q. Okay. So basically you took the call details records

1 provided to you and they were printed for this slide  
2 presentation, is that correct?

3 A. That's correct.

4 Q. All right.

5 And it looks like we have them from 9:04 to 2:39 on  
6 June 22nd; 2:39 to 4:58; 4:58 to 6:23; 6:23 to 8:20.

7 Then the next day 8:20 p.m. to June 23, 3:21; and 3:21  
8 through 10:08, is that correct?

9 A. Yes.

10 Q. And in all of those, and I don't want to belabor the  
11 point, all came from the call records that were provided you  
12 from Sprint? They were basically cut and pasted into the  
13 slide presentation?

14 A. That's correct.

15 Q. Is that accurate?

16 A. For the time frame requested to be analyzed.

17 Q. Okay.

18 Now, starting with our relevant time frame --

19 MR. KENDALL: And I would ask that the juror (sic)  
20 to be allowed to step down, Your Honor.

21 THE COURT: The witness?

22 MR. KENDALL: Yes, sir, I'm sorry.

23 THE COURT: All right. Yes, sir.

24 Stand next to my court reporter, please.

25 THE WITNESS: Okay.

1 (Witness off the witness stand)

2 BY MR. KENDALL:

3 Q. And I'm going to give you this laser pointer and just  
4 kind of ask you to point out a couple of things.

5 A. Okay.

6 Q. So on June 22nd, at approximately 4:26, at that time --  
7 and --

8 All right. At that time we are talking about on June  
9 22nd, 2014, at approximately 4:26, are you able to determine  
10 or see where the incident location is?

11 A. The incident location is going to be 409 East Junior  
12 High Road.

13 Q. All right. And at that time, at 4:26, can you tell  
14 what tower and sector that the phone is hitting off at that  
15 time?

16 A. It's going to be tower 26. I believe it says sector 3.

17 Q. Okay. All right.

18 And that's fair to say pointing towards the northern  
19 part of Gaffney, is that fair to say?

20 A. Correct.

21 Q. All right.

22 And then from 4:48 through five p.m., if you could show  
23 us what tower -- excuse me, where the incident location is,  
24 what tower and sector that phone was hitting off then?

25 A. The incident location is at 409 East Junior High Road

1 and it's tower 186, sector 4.

2 Q. Okay. And so at that time, 4:48 to five p.m., during  
3 that time, on June 22nd, it's hitting in the same sector  
4 where Connecticut Village would be located, is that correct?

5 A. That's correct.

6 Q. Now, there are very real limitations for this  
7 technology, is that fair to stay?

8 A. That's correct.

9 Q. And we can't say exactly where that -- we don't have --  
10 you can't do that using this technology?

11 A. That's correct.

12 Q. But that phone during that time period, 4:48 to five  
13 p.m., it's hitting the tower on that sector that appears to  
14 encompass Connecticut Village?

15 A. Correct.

16 Q. All right. And just again -- do you know what this is?

17 A. This is the same slide you just was shown. It's just a  
18 closer-up view.

19 Q. Okay.

20 Now, I would like to show you a slide from 5:13,  
21 approximately thirteen minutes later.

22 A. On tower 286, sector 2 side.

23 Q. All right. So it's kind of pointing into the Gaffney?

24 A. Correct.

25 Q. And at that point where the incident would be at 409

1 East Junior High Road location?

2 A. It's going to be down here south, southeast.

3 Q. Okay. All right.

4 So now the phone is hitting in that sector pointing  
5 kind of in through Gaffney?

6 A. Correct.

7 Q. All right. And then at five -- from 5:16 to 5:22 p.m.  
8 where was it hitting then?

9 A. Back up on tower 26, sector 3.

10 Q. All right. So, again, the sector pointing towards the  
11 top of that Providence Road area, is that fair to say?

12 A. That's correct.

13 Q. Okay. And that's where the tower is hitting -- excuse  
14 me, the cellphone was hitting that tower?

15 A. Correct.

16 Q. So we started up there, and then began hitting the  
17 cellphone tower by East Junior High Road, then back kind of  
18 towards Gaffney, and now we are back hitting a location in  
19 the northern part of Gaffney?

20 A. Correct.

21 Q. Okay. That's at 5:22 p.m., correct?

22 A. I believe that's what it says.

23 Correct.

24 Q. Now, our next location we are able to pick up is six  
25 o'clock -- or six o'clock. Where are we at this point?

1 A. Spartanburg.

2 Q. Okay. And any location of interests on this map?

3 A. Yes, the Westgate Mall.

4 Q. Okay. And so when does it begin picking up Westgate --  
5 the sector that includes Westgate Mall?

6 A. It's in the area of approximately six p.m..

7 Q. Okay. All right.

8 And likewise, at 6:06?

9 A. The 6:06 it's not in the area that would access the  
10 mall. It's the sector -- the cellphone is hitting off of  
11 the southeast.

12 Q. Okay. And what town would be at this point?

13 A. Still in Spartanburg.

14 Q. Okay. So we are in Cherokee and Gaffney. Now we have  
15 moved -- or the phone that's hitting off towers now in  
16 Spartanburg?

17 A. Correct.

18 Q. All right. And now it's 6:12.

19 A. 6:12, I'm unable to see the tower. I believe it's 64.  
20 It going to be east of pointing in the direction of the  
21 Westgate Mall.

22 Q. Okay. But encompassing that portion of Spartanburg?  
23 At that point we are still in Spartanburg?

24 A. Correct.

25 Q. All right. At 6:16 to 6:44?

1 A. Still on tower 64, just different sector on the  
2 southeast sector of the side, just pointing away from the  
3 Westgate Mall.

4 Q. Okay. And 6:45?

5 A. (No response).

6 Q. If you need to come look at it physically on here.

7 A. It's going to be tower 1, still pointing in the  
8 direction of the Westgate Mall, but it's going to be farther  
9 east of tower 64.

10 Q. Okay. And then likewise from 6:46 to 10:30 p.m.?

11 A. Back on tower 64, just a different -- it's the northern  
12 sector pointing away from the location of interests at the  
13 Westgate Mall.

14 Q. All right. And 8:48?

15 A. Still on tower 64, sector 2, on the southeast side away  
16 from the mall.

17 Q. Okay. And during those -- and that's -- I'm sorry,  
18 that's on June 23rd, correct?

19 A. Yes.

20 Q. That's actually the next day. Entirely the next day.

21 All right. So -- if you would go ahead and have a  
22 seat, please.

23 (Witness back on the witness stand).

24 BY MR. KENDALL:

25 Q. So from -- on the 22nd, in the time -- relevant time

1 period we discussed here today through all the maps, he's in  
2 Spartanburg -- in Cherokee, in Gaffney at various locations  
3 up until 5:22, is that correct?

4 A. That's correct.

5 Q. All right. And then after six o'clock he begins  
6 hitting off towers -- or his phone begins hitting off towers  
7 in Spartanburg, is that correct?

8 A. That's correct.

9 Q. What would account for that sort of gap? What happens?  
10 Is this an accurate tracking technology, like -- in other  
11 words, follow the phone around everywhere it goes, or is it  
12 just based on --

13 A. It does not. It's based on transactions.

14 Q. Okay. So something actually has to happen that's going  
15 to be able to pick up a phone or call somebody or --

16 A. Correct.

17 Q. -- something like that before you could actually get  
18 a -- something to take place.

19 And on many of the phone records it indicates routed  
20 calls. What do those represent?

21 A. Typically incoming phone call on his voicemail.

22 Q. Okay. And if there is no tower there, could you tell  
23 anything about that?

24 A. There is nothing we can do if there is not a tower  
25 location given.

1 Q. All right. So if somebody were to call in and it goes  
2 straight to voicemail, it's just going to be routed with no  
3 tower, is that fair to say?

4 A. Correct.

5 Q. Are you able to look on those records from 5:22 until  
6 six p.m. and tell what was going on with those calls?

7 A. (No response).

8 Q. I guess the call after 5:22 and they made a call after  
9 six p.m.?

10 A. It's a routed.

11 Q. All those calls are routed?

12 A. Yes.

13 Q. Okay. That would indicate they all went to voicemail,  
14 is that fair to say?

15 A. Yes, sir.

16 Q. All right.

17 (Off the record).

18 (Back on the record)

19 BY MR. KENDALL:

20 Q. And just to avoid confusion, in some of these records  
21 they have a different number of tower or sector for the  
22 first call and the last call. What is that? Why would that  
23 happen?

24 A. Signifies movement.

25 Q. Okay.

1 A. For instance, on transaction 22nd, 18:12, he starts --  
2 it's on the same tower, 64, but he started on sector 3. The  
3 call started on sector 3 and ended on sector 2.

4 Q. Okay.

5 A. So it symbolizes them moving around different side of  
6 the tower.

7 Q. Okay.

8 MR. KENDALL: Nothing further, Your Honor.

9 The court: Yes, sir.

10 MR. MORIN: I have no questions.

11 MS. RACINE: I have no questions either.

12 THE COURT: Agent, you may step down. Please be  
13 careful.

14 THE WITNESS: Thank you, sir.

15 MS. LESKANIC: Your Honor, at this time the State  
16 rests.

17 THE COURT: Mr. Foreman and ladies and gentlemen  
18 of the jury, the State has now rested. What that means is  
19 they do not intend to call any more witnesses or put up any  
20 other evidence before you.

21 It's twelve noon, almost straight up here, so it's  
22 time to take a break for lunch. I'm going to have a couple  
23 of matters of law to attend to, but other than that we are  
24 going to break for lunch as well.

25 I'm going to ask you to be back in your jury room

1 at 1:45. That gives you an hour and forty-five minutes.  
2 It's a little longer there because we got a few more things  
3 before we break and I want everybody to have a chance to  
4 eat.

5 Now, let me tell you where we are. At this point  
6 when you return I'll have some information for you about  
7 whether or not the trial is through or not through. I'll  
8 know more about it when you return at 1:45, but we are  
9 getting very close to being where the jury -- to where the  
10 case is giving to you to decide.

11 Having said that, don't talk about it, don't think  
12 about it, discuss it, try to learn anything about it. It's  
13 not over until it's over, as they say. All right.

14 Enjoy your lunch.

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

17 THE COURT: Matters from the State?

18 MS. LESKANIC: No, Your Honor.

19 THE COURT: From the defense?

20 MR. MORIN: Your Honor, at this time Mr. Dover  
21 makes a motion for a directed verdict, in that the identity  
22 of the shooter is in question that would cause the jury to  
23 have to speculate as to his guilt.

24 THE COURT: Yes, ma'am.

25 MS. LESKANIC: Your Honor, for a directed verdict

1 motion the court is to consider the evidence in the light  
2 most favorable to the State. If there is any evidence that  
3 tends to prove the defendant's guilt, then the motion should  
4 be denied.

5 In this case there are several witnesses who  
6 witnessed an altercation between the defendant and the  
7 victim prior to the murder. They heard threatening  
8 statements made by this defendant to the victim just prior  
9 to the murder. And Antron Bonner, who was in the car with  
10 him, saw him exit the vehicle with an assault rifle. Other  
11 people saw him with that rifle that day. And he testified  
12 to the statement, essentially a confession that Mr. Dover  
13 made when he got back into the car stating that he shot him  
14 in the chest. So with all of that evidence I believe the  
15 motion should be denied and the question should be left up  
16 to the jury.

17 THE COURT: The defense's motion is denied.

18 The court must consider the motion in the light  
19 most favorable to the nonmoving party, which is the State.  
20 There is evidence sufficient to send it to the finder of  
21 fact.

22 Other matters as to Mr. Dover?

23 MR. MORIN: No, Your Honor.

24 THE COURT: Yes, ma'am, Ms. Racine?

25 MS. RACINE: Thank you, Your Honor.

1 I would also like to make the motion for Mr.  
2 Foster for a different reason. Your Honor, there has been  
3 no testimony to prove that my client had any reason to be  
4 angry at the victim. He didn't try to kill him.

5 Mr. Bonner, who was in the car, he can't even  
6 testify whether or not my client even knew there was a gun  
7 in his car when he dropped the other two off.

8 At this point, Your Honor, I just don't think  
9 there is enough to send it to a jury.

10 THE COURT: Solicitor?

11 MS. LESKANIC: May it please the court, Your  
12 Honor, as the court is well aware, again, in the light most  
13 favorable to the State there is the principle of the hand of  
14 one is the hand of all.

15 There are witnesses who testified to the  
16 altercation between Rajshun Foster and the victim that  
17 occurred down in the hole or middle part of the village  
18 shortly before the shooting. There was an altercation.  
19 They were arguing over money. Rajshun was running up on him  
20 and had been looking for him days prior.

21 There was also testimony that he dropped off the  
22 two men that were armed with guns, picked them back up and  
23 took them to another location, being an active participant.

24 We are not alleging he was the triggerman. We are  
25 alleging under the hand of one hand of all he is guilty of

1 murder.

2 THE COURT: Okay. Again, the court is to view the  
3 motion in the light most favorable to the nonmoving party,  
4 which is the State, and whether or not there is any  
5 evidence, and there is sufficient evidence to send it to the  
6 jury. That motion is denied.

7 Anything further as to Mr. Foster?

8 MS. RACINE: No, Your Honor.

9 THE COURT: Okay. We can get off the record.

10 (Whereupon, proceedings were recessed)

11 (Whereupon, proceedings were reconvened)

12 THE COURT: Okay. The State has now rested.

13 Mr. Morin?

14 MR. MORIN: Your Honor, Mr. Dover does not intend  
15 to testify and we are not going to be calling any witnesses.  
16 We intend to rest.

17 THE COURT: All right. Let me --

18 How about Mr. Foster, Ms. Racine?

19 MS. RACINE: Your Honor, I have spoken with my  
20 client and he tells me he does not wish to testify and also  
21 he will be resting at this time.

22 THE COURT: All right. Let's do this. Madam  
23 Clerk, will you swear these gentlemen, please?

24 THE CLERK: Please raise your right hands?

25 FRANKLIN PIERRE DOVER, RAJSHUN BERNARD FOSTER,

1 both having been first duly sworn, testified as follows:

2 DEFENDANT FRANKLIN PIERRE DOVER: Yes.

3 DEFENDANT RAJSHUN BERNARD FOSTER: Yes.

4 THE COURT: Sir, is you are Mr. Franklin Pierre  
5 Dover?

6 DEFENDANT FRANKLIN PIERRE DOVER: Yes, sir.

7 THE COURT: Sir, you are Mr. Rajshun Bernard  
8 Foster?

9 DEFENDANT RAJSHUN BERNARD FOSTER: Yes.

10 THE COURT: Gentlemen, we are at the point that  
11 you -- we have reached the point in the trial where you may  
12 testify in your defense.

13 Each of you has the right to claim the protections  
14 given to you by the Fifth Amendment to the Constitution of  
15 the United States, which states, in part, no person shall be  
16 compelled in any criminal case to be a witness against  
17 himself.

18 Additionally, you have the right to claim  
19 protections given to you by Article 1, Section 12 of the  
20 South Carolina Constitution, which states, in part, no  
21 person shall be compelled in any criminal case to be a  
22 witness against himself.

23 This means you cannot be required to testify. You  
24 have the right to testify, but no one can make you do so.  
25 This is a personal right and no one can waive the right

1       except you.

2               If you decide to testify, you will be subject to  
3       the same rules that govern other witnesses and you may be  
4       examined and cross-examined on any relevant issue.

5               Additionally, if you have any convictions  
6       involving dishonesty or false statement or for crimes  
7       punishable by imprisonment for more than one year and this  
8       court determines the probative value of admitting the  
9       evidence outweighs its prejudicial effect, the solicitor  
10      will be able to introduce your record to attack your  
11      credibility.

12              If you decide to testify, the decision on your  
13      part must be freely, intelligently, and voluntarily made  
14      with the knowledge of the protections given to you by the  
15      Constitutions of this United States and this state and the  
16      consequences of your decision.

17              If you decide not to testify, I will instruct  
18      jurors they cannot give the fact that you did not testify  
19      any consideration and there will be absolutely no prejudice  
20      to you because you did not testify.

21              The decision is your decision. You may talk with  
22      your lawyer, family, friends, or anyone else, but the  
23      decision is yours and yours alone.

24              Do you understand what I told you, Mr. Dover?

25              DEFENDANT FRANLIN PIERRE DOVER: Yes, sir.

1 THE COURT: Mr. Foster?

2 DEFENDANT RAJSHUN BERNARD FOSTER: Yes, sir.

3 THE COURT: Do you have any questions about what I  
4 explained to you, Mr. Dover?

5 DEFENDANT FRANKLIN PIERRE DOVER: No, sir.

6 THE COURT: Mr. Foster?

7 DEFENDANT RAJSHUN BERNARD FOSTER: No, sir.

8 THE COURT: Have you discussed this with your  
9 lawyer, Mr. Dover?

10 DEFENDANT FRANKLIN PIERRE DOVER: Yes, sir.

11 THE COURT: Mr. Foster?

12 DEFENDANT RAJSHUN BERNARD FOSTER: Yes, sir.

13 THE COURT: Do you wish to talk to your lawyer any  
14 further, Mr. Dover?

15 DEFENDANT FRANKLIN PIERRE DOVER: No, sir.

16 THE COURT: Mr. Foster?

17 DEFENDANT RAJSHUN BERNARD FOSTER: No, sir.

18 THE COURT: Mr. Dover, do you wish to testify or  
19 not?

20 DEFENDANT FRANKLIN PIERRE DOVER: No, sir.

21 THE COURT: You do not.

22 Mr. Foster?

23 DEFENDANT RAJSHUN BERNARD FOSTER: No, sir.

24 THE COURT: You choose not to testify?

25 DEFENDANT RAJSHUN BERNARD FOSTER: Yes, sir.

1 THE COURT: All right. Thank you, gentlemen.

2 And the defense is now rested?

3 MR. MORIN: Mr. Dover rests.

4 THE COURT: And Mr. Foster rests?

5 MS. RACINE: He does, Your Honor.

6 THE COURT: Mr. Foster rests.

7 All right, matters from the State?

8 MS. LESKANIC: Nothing, Your Honor.

9 THE COURT: Matters from the defense?

10 MR. MORIN: Your Honor, at this time I renew my  
11 motion for a directed verdict as previously stated.

12 THE COURT: And as previously enunciated for the  
13 same reasons the motion is denied once again.

14 Ms. Racine?

15 MS. RACINE: I renew my motion as well, Your  
16 Honor.

17 THE COURT: And for the reasons previously  
18 enunciated the motion is denied again.

19 All right. Are we ready for the jury as we go to  
20 closing? Everybody ready to close?

21 MS. LESKANIC: Yes, Your Honor, the State is  
22 ready.

23 MR. MORIN: Yes, sir.

24 MS. RACINE: Yes, sir.

25 THE COURT: Okay. What we will do, as I told you

1 in chambers, when we bring the jury in, I will call on the  
2 defense and you can rest in front of the jury.

3 MR. MORIN: Ms. Racine is going after Ms. Leskanic  
4 and I will be going last.

5 THE COURT: One time, one time, one time, because  
6 they didn't put a defense up.

7 Bring the jury in.

8 (The following takes place in the presence of the  
9 jury panel)

10 THE COURT: Ready to go to work, Mr. Foreman?

11 JURY FOREPERSON: Yup, we are ready.

12 THE COURT: Okay. Mr. Morin?

13 MR. MORIN: Your Honor, at this time Mr. Dover  
14 rests.

15 THE COURT: Mr. Dover rests.

16 Ms. Racine?

17 MS. RACINE: Your Honor, at this time Mr. Foster  
18 rests.

19 THE COURT: All right.

20 Mr. Foreman and ladies and gentlemen, each of the  
21 defendants have now rested. The State rested before lunch.  
22 Each of the defendants have now rested, which means there is  
23 no more testimony. There is no more evidence that will be  
24 put before you.

25 Give your attention to the lawyers. They will

1 make closing statements and after that I will charge the law  
2 and the case will be in your hands.

3 Yes, ma'am.

4 MS. LESKANIC: May it please the court?

5 THE COURT: Yes, ma'am.

6 MS. LESKANIC: Thank you, Your Honor.

7 Good afternoon, ladies and gentlemen.

8 I know that everybody has paid very close  
9 attention throughout the trial and I appreciate that very  
10 much.

11 And on behalf of Timothy Blair I thank you very  
12 much for your time and attention, because he can't come here  
13 to tell you what happened that day, because those two men  
14 took it upon themselves because what apparently was a  
15 disagreement over some money decided to end his life on a  
16 Sunday afternoon in June in Connecticut Village. Unarmed,  
17 defenseless, trying to walk into his girlfriend's apartment  
18 he was ambushed and shot one time by Franklin Dover with a  
19 rifle that went through his left shoulder, pierced both of  
20 his lungs and he bled to death, without family, without  
21 warning, but hopefully with justice.

22 Every piece of evidence presented in this case  
23 points to Franklin Dover and Rajshun Foster being  
24 participants in the murder of Timothy Blair. You have a  
25 witness, you have these photographs of where people were,

1     what they saw, points to these two men plotting, planning,  
2     and executing not only a friend, but also executing Timothy  
3     Blair.

4             I want to tell you from the outset this is the  
5     only chance I get to talk to you. When I finish talking  
6     with you, Ms. Racine will talk to you on behalf of her  
7     client, Mr. Morin will on behalf of his, and I will have  
8     things that I probably would like to say in reply, but the  
9     way that the rules of court work, I don't have that  
10    opportunity. But if something is said, either by me or by  
11    one of them, and you say it's not quite the way I remember  
12    it, there is a court reporter here who took down testimony  
13    and you have a right to ask to have that played back,  
14    because I may want to say "wait a minute, don't you remember  
15    this," or "don't you remember that," and I know and I  
16    appreciate that each and every one of you paid very close  
17    attention, because this is a very important day, but if  
18    there is something you are unsure of, that testimony can be  
19    replayed for you, but this is my only chance to address you.  
20    I appreciate your patience, but this is the only time I get  
21    to stand here in the feet of Mr. Blair.

22            Bernice Dowdle described him as the new kid on the  
23    block, happy go lucky, good guy, been in the village for a  
24    few months, dating Terrica Bonner.

25            You heard from Ms. Bonner and she said that a few

1 days before Timothy was murdered Franklin Dover and Rajshun  
2 Foster came inside her apartment and said "where is he? We  
3 have got something for him. We have got something for him  
4 to do." She told you about that, that it didn't seem like a  
5 friendly visit. It seemed like something was wrong.

6 Now, in her immediate statement to police she  
7 didn't mention Frank Dover's name. She was asked about  
8 that, "why didn't you say Frank Dover?" She said "Timothy  
9 Blair had just been murdered outside my back door. I have  
10 minor children. Word is Frank Dover did the shooting and he  
11 hadn't been arrested and he knows where I live, because he  
12 was in my apartment a couple days before this happened, so I  
13 didn't put his name in the statement," but she came in here.  
14 She identified him and she told you.

15 Bernice Dowdle came in here and told you a few  
16 days before Rajshun Foster came looking for who she thought  
17 was his good friend "Slick", Timothy Blair. "Seen Timothy  
18 around?

19 "No. I thought y'all were cool.

20 "I thought we were too."

21 That's not somebody who is coming over to see how  
22 his friend is. "I thought we were cool too, but clearly we  
23 are not." That was a few days before the murder.

24 Then the day of the murder you know Frank Dover  
25 has a rifle. Jasmine Hudson, who is Rajshun Foster's

1 ex-girlfriend, she was a little challenging on the stand.  
2 She dated Rajshun for awhile, but she told you that she and  
3 Rajshun met Frank at the Redwood Store right across from  
4 Mcentire Mobile Home Park. From there they went over to the  
5 trailer where Frank was staying. We later learned that's  
6 "Monkey's" trailer. Went over there and when Frank opened  
7 the passenger side door to his black car she saw the big  
8 brown beige rifle in the car. And she said after that she  
9 and Rajshun went over to her friend Cordelia's apartment in  
10 the lower part of the village and then outside "Slick" was  
11 there, Frank Dover's car was there, and Rajshun was there.

12 Now, Ms. Hudson, she I don't think wanted to be  
13 here. Some people don't. They don't want to testify  
14 against people that they once cared about, or still care  
15 about, because when I asked "did you see Timothy Blair out  
16 there," the answer was "no." I refreshed her memory with  
17 her statement. And when Ms. Racine asked "what were Rajshun  
18 and "Slick" doing," it was "well, they were getting along  
19 just great." So we remembered things when it benefitted  
20 Rajshun, but, in any event, she did say Frank Dover and his  
21 car had the rifle, came over to Connecticut Village. She  
22 saw his car out there.

23 Who else saw him out there? Sharie Studyvance,  
24 who lived in Apartment 20. She went to pick up her friend.  
25 She saw Franklin Dover, who she identified for you in court

1 and picked out in a lineup. She saw Rajshun Foster and she  
2 saw "Slick" and she said that there was an argument going  
3 on. She said she heard Franklin Dover say "I will get you  
4 one way or the other." And she saw him holding that long  
5 brown black gun standing in his driver's side door. And  
6 this is approximately thirty minutes from the time "Slick"  
7 was murdered.

8 Nakisha Love, she was visiting Sharie Studyvance  
9 that day. That was her niece and she said she heard an  
10 argument outside. It got her attention. She came outside  
11 to see what was going on. Who did she see? She saw "Slick"  
12 and Rajshun and Franklin Dover, "Gwap". The argument  
13 stopped when she came out. "Slick" had his head down,  
14 wasn't arguing back, was going to walk away and she hears  
15 Frank Dover "I'll get you one way or the other. I'll hide  
16 on the apartment -- "I'll hide on the side of the apartment  
17 if you want, and I'll shoot you. I'll get you one way or  
18 the other." Within thirty minutes they got him.

19 So Sharie has seen the gun. She saw Rajshun  
20 running up. Sharie Studyvance sees Rajshun running up on  
21 "Slick" trying to get him to fight and Sharie said "Slick"  
22 just was backing up, backing up, not wanting to fight, not  
23 wanting to engage with this kid, but they will not stop.  
24 They're not going to stop.

25 Susan Crawford, she was unavailable. We had

1 someone read her testimony, because she had given a prior  
2 sworn statement, because she was in the hospital, but she  
3 said that she in Apartment 79 was down there. She saw  
4 Rajshun, who she knew. She saw "Slick", who she knew, and  
5 she saw "Gwap", Franklin Dover, who she knew. Said Rajshun  
6 and "Slick" were arguing and it was something about money.  
7 And she saw Franklin Dover out there with them as well.

8 These witnesses don't know the whole story. They  
9 don't know every part, but they are coming in to tell you  
10 their piece this is what I saw, this is what I witnessed.  
11 She was a hundred percent sure it was those three, and  
12 Rajshun was trying to kind of put "Slick" in his place and  
13 she said "Slick" looked intimidated and he walks away.

14 Now, when he walks away -- I'll put this up. All  
15 of that is happening down here. That's Susan Crawford's  
16 apartment there. Sharie Studyvance is into an apartment  
17 there, and she left. And when "Slick" walks away, they say  
18 he walked this way, Nakisha Love, started coming up the  
19 steps and headed to the back up here to Douglas' apartment.

20 Now, he goes into Kiara Douglas' apartment while  
21 Frank Dover and Rajshun Foster leave the village.

22 Now, Rajshun is in his girlfriend's car. He  
23 didn't ask for permission to take the car. He didn't have  
24 permission to take the car. He was supposed to go out there  
25 and listen to music, but he's now left with Frank Dover,

1 after having an altercation with Timothy Blair, and they  
2 have left in their separate vehicles out of Connecticut  
3 Village. 3.7 miles from the village to the trailer park  
4 where they are going to drive. And when they drive to the  
5 trailer park, that's when they are going to pick up Antron  
6 Bonner and "T", but that's what they are doing.

7 While they are driving away, Timothy Blair is in  
8 Kiara Douglas' apartment saying "I just got into it with  
9 Rajshun Foster and Frank Dover and I want to get out of  
10 Connecticut Village." She said "go get your stuff. You can  
11 come up here. You can call your people. You are welcome to  
12 come back up here and stay." He was nervous, he was scared,  
13 such that she felt like "look, you need a place to stay.  
14 You come back up here," but he was shaking by what had just  
15 happened with those two men.

16 So he's with Kiara Douglas maybe fifteen minutes,  
17 she was guessing, and during that time Rajshun Foster and  
18 Franklin Dover have driven back over to Mcentire Mobile Home  
19 Park to "Monkey's" trailer and that's where Antron Bonner  
20 was picked up.

21 Antron Bonner is important and the defense is not  
22 going to want you to believe Antron Bonner. They are going  
23 to come up here and they are going to attack him in every  
24 way that they can. Antron Bonner is not the mastermind of  
25 this. Maybe he could have been the scapegoat of this, but

1 Antron Bonner wanted a ten dollar sack of weed, and really  
2 wanted half of that for five dollars, and that's why he got  
3 in the car with those men. But he tells you that he and  
4 Rajshun and Frank are outside the trailer. He walks over  
5 there. He goes inside for a couple of minutes. He doesn't  
6 know what they are talking about. He asked Rajshun "do you  
7 know where we can get some weed," and Rajshun says "yeah,  
8 come on with us. We will get you some," and Rajshun picks  
9 Connecticut Village. And when he gets into the car he says  
10 Frank Dover gets a long gun, rifle, out of his car, brown  
11 and black, brown wood on it, and a glove, a doctor's type  
12 surgical glove out of the console of the car and gets into  
13 the back seat with him. The gun is right there next to him.  
14 He says they came down towards the village. "We did a  
15 U-turn in the village and then came back and Rajshun dropped  
16 off Frank Dover and "T" near the wooded path that leads  
17 right to the back of Apartment 51."

18 Who else saw them doing a U-turn? Terrica Bonner,  
19 who lived in Apartment 51. She was leaving the village that  
20 day. As "Slick" is walking down from Kiara Douglas'  
21 apartment Terrica is driving up into Connecticut Village to  
22 see a relative and then go to her mom's house. She says as  
23 she's driving up she sees "Slick" walking down, just like he  
24 said. He was here. He's walking back down. Terrica is  
25 leaving her apartment. She goes up here, talks to him she

1 says for maybe a couple of minutes. He seemed different  
2 that day. And then she stays up here with a relative for a  
3 minute and then as she is driving out she sees Rajshun come  
4 in in the girlfriend's Kia Soul he is driving and there are  
5 three other men in the car; Antron Bonner, Franklin Dover,  
6 Terence Studyvance, "T". Those are the three people.  
7 That's what she told police. "I thought they were following  
8 me out, but then they pulled over to the wooded area," just  
9 what Antron Bonner told you happened.

10 Antron tells you that they dropped them off, Frank  
11 got out with the long gun, after getting the glove and the  
12 gun out of the car, that same car that Jasmine Hudson had  
13 seen the gun in that day and Sharie Studyvance had seen the  
14 gun in that day. They drop him off on the wooded path and  
15 they drive down into the village near Rebi Tate's house.

16 And "Slick" has made his way from Kiara Douglas'  
17 house down here. He's seen Bernice Dowdle, because Bernice  
18 said "I saw him the day of the shooting and I said those  
19 boys were looking for him." And he said "are they really  
20 looking for me dead or alive?" She said "no, I just said  
21 that, but they are looking for you." He said "okay." And  
22 he walks down here to Rebi's, smokes a cigarette, and then  
23 he's going to walk around the apartment, like he always  
24 does.

25 Now, during that time Rajshun has pulled in and

1 Antron. People saw Rajshun and Antron in the car, just the  
2 two of them, because they have already dropped off Frank and  
3 "T" on the wooded path. Rajshun comes here, parks by the  
4 trash can, gets out and approaches "Slick" one more time.  
5 And Rebi hears "Slick" say "stay out of it. Stay out of  
6 it."

7 Then according to Antron, Rajshun gets back in his  
8 car, they drive just a little ways in here to get the  
9 marijuana. Rajshun is able to see that "Slick" starts  
10 walking around the apartment, like he always does. There's  
11 a phone call between Rajshun and Frank during that time.

12 Chariece Allen is out there. And as "Slick" walks  
13 around the building, this is the side of the building, she  
14 said "I saw a man with a mask, with a long gun and a glove,  
15 like a doctor's glove, on the side of the building. And it  
16 all happened so fast. "Slick" walked around the building.  
17 I saw him."

18 As "Slick" comes around, Frank Dover comes around  
19 the corner of that building, right where Chariece Allen saw  
20 him. Timothy Blair is walking towards the door. Frank  
21 Dover comes around, shot in the left shoulder, pierce both  
22 lungs, drops him to the ground and he bleeds to death.

23 Runs through the path. Rebi Tate said "I saw two  
24 men running through the path. One of them had a gun, it  
25 looked like it was swinging with a wooden handle." They run

1 back to their car. Rajshun Foster gets a phone call from  
2 Frank Dover and he leaves Connecticut Village and he picks  
3 him back up on that wooded path and he takes them to Mary  
4 Davis' house.

5 And Rajshun Foster is probably going to say I  
6 didn't know -- he didn't know what was going on. There is  
7 some questioning of Ms. Racine.

8 Let me ask you something. There is an active  
9 shooter in Connecticut Village. Your girlfriend is in  
10 Connecticut Village. You have taken her car. She has no  
11 way to leave and your response is "let me just go." The  
12 only way you do that is you know it's not an active shooter,  
13 you know there is one shooter. You know who the target is,  
14 and it's not your girlfriend. It's Timothy Blair.

15 He took his girlfriend's car. He left her in  
16 Connecticut Village during a shooting, because he knew the  
17 target, he knew the shooter, he knew it was part of the  
18 plan, so he wasn't worried about Jasmine.

19 He picks them up on the wooded path, drives them  
20 to Mary's house, drops them off. Frank goes into Mary's  
21 house, takes off his shirt and his pants, rolls them up,  
22 puts them in a shoe box. Is there evidence on it from the  
23 shooting? She said he had never done that before, never  
24 taken his clothes off and put them in a box before, and then  
25 put them in a bag, left the bag with Mary and said "you call

1 "Woot", tell "Woot" to come pick up my clothes." Destroy  
2 evidence of the murder he just committed. "And by the way,  
3 when you go talk to police you tell them we went to  
4 Spartanburg.

5 "We did go to Spartanburg.

6 "Yeah, but you need to tell them that we were  
7 there at three, because I can't be in Connecticut Village at  
8 three or five. I need to be long gone to Spartanburg."

9 The problem is we have Frank Dover's phone records  
10 and those records will tell you that his phone was there,  
11 and Mary said he had his phone with him.

12 4:26 p.m. on the day of the shooting his phone was  
13 hitting off of this sector here at Providence Mobile Home  
14 Park where they went and picked up "T" and Antron.

15 From 4:48 until five o'clock. The first 911 call  
16 came in at 4:59. His phone is hitting off this sector and  
17 there in Connecticut Village twelve minutes after the  
18 shooting.

19 All the calls that were made are on the records.

20 5:16 to 5:22 hitting off of this sector in the  
21 area of Littlejohn Street, Providence Mobile Home Park --  
22 Mcentire Mobile Home Park.

23 5:13, again, Littlejohn Street area. That sector  
24 of the phone.

25 And we go back 5:16 to 5:22, he was picking up

1 Interstate I-85 towards Westgate Mall.

2 And six o'clock the phone was hitting off the  
3 tower near Westgate Mall in Spartanburg, but he wanted Mary  
4 to lie for him, but these records don't lie.

5 The call detail report that you will have with you  
6 will show the phone calls made between Rajshun Foster and  
7 Frank Dover from 4:55 until five o'clock; three phone calls.  
8 Rajshun Foster was down in Connecticut Village with Antron  
9 Bonner. Franklin Dover's cellphone was hitting on the tower  
10 right there near Connecticut Village, because he dropped him  
11 off. They are communicating by phone and the minute the  
12 shot is fired, Franklin Dover called Rajshun Foster.  
13 Rajshun is leaving the village and going and picking him  
14 back up.

15 Now, Antron told you when they picked them back  
16 up, Frank got into the car in the back seat. Antron had  
17 moved to the front. Frank and "T" get in the back and  
18 Frank's first reaction was "get me out of here, get me out  
19 of here." And Rajshun says "where did you shoot him," and  
20 he says "in the chest," and that's exactly right.

21 Antron Bonner has no motive to lie, no motive to  
22 come in here. He thought Rajshun and Frank were his  
23 friends, but he came in to tell the truth. And he gave four  
24 statements and those statements were not different. He gave  
25 police additional information. Frank later told him "don't

1 tell anybody because I'll get in trouble," and he didn't  
2 immediately go to police, but when he was asked, he told  
3 police everything that he could remember, everything that he  
4 knew.

5 And I'm sure the defense is going to get up and  
6 say "well, this person's statement said this, and this  
7 person's statement said that, and this one says fifteen  
8 minutes and this one says twenty-five minutes."

9 One thing you get to bring in is common sense. If  
10 you were asked to write down everything about your  
11 day-to-day, you might not include every single detail. It  
12 doesn't mean that you are a liar. It means that you're  
13 human. Not putting in a detail doesn't make it a lie. It's  
14 hard to write down every single thing, but when you are  
15 asked, you can answer the question. So I know the  
16 statements, that's going to be part of what you hear from  
17 the defense attorneys say "this person said this and this  
18 person said that," and I expect that. They are writing down  
19 everything that they can remember, but it's different when I  
20 get to have them on the stand and then they asks them  
21 questions they weren't asked the first time. "Well, I  
22 forgot about that. I didn't think about that.

23 "Well, when I ask you a question, then you can  
24 give me more detail."

25 We know that the shell casing that was found,

1 Billy Anthony testified that came from a rifle.

2 Terence Studyvance who was there as well was said  
3 to have had a pistol and they didn't find a round belonging  
4 to a pistol. It was to a rifle.

5 Frank Dover was the one that had the problem with  
6 Timothy Blair. He's the one that was seen with the rifle  
7 that day and he's the one that got back into the car and  
8 said "I shot him in the chest."

9 Every piece of evidence before you, ladies and  
10 gentlemen, says these two men took the life of unarmed  
11 Timothy Blair on June 22nd.

12 The judge is going to instruct you on the law,  
13 what murder is, and then you have to apply that law to the  
14 facts. That's what you will be asked to do. I want to go  
15 over that briefly with you.

16 Murder is the killing of another with malice  
17 aforethought, either express or imply. I don't know why the  
18 law makes things so complicated, but murder is killing  
19 somebody and you don't a right to, and they had no right to  
20 kill Timothy Blair; apparently over money. And I have no  
21 idea what amount of money could have been worth that young  
22 man's life.

23 Malice is ill will or hatred. It's a wrongful  
24 intent to hurt another person. And you may infer malice in  
25 this case because there was use of a deadly weapon, a rifle,

1 to kill him.

2 Aforethought, that doesn't mean premeditation. In  
3 South Carolina you don't have to have premeditation for  
4 murder. As long as at the moment you pulled the trigger,  
5 you were intending to pull the trigger. That is enough, but  
6 I think in this case there is premeditation. They planned.  
7 Franklin Dover couldn't drive his own car down into the  
8 village. Everybody would have seen him. Those men were  
9 talking outside the trailer and they came up with a plan and  
10 they got their gun and they got their driver, who was also  
11 their getaway driver, and it was a premeditated killing, but  
12 it is not required in South Carolina, as long as you mean to  
13 pull the trigger at the moment that you did it.

14 And express malice is a deliberate intention to  
15 unlawfully take the life of another. When you point a rifle  
16 at someone's chest and you pull the trigger, you  
17 deliberately mean to take their life.

18 There is another concept that you will hear about,  
19 the hand of one is the hand of all. You may have heard that  
20 before in South Carolina. It has to do with accomplice  
21 liability, and that means that Rajshun Foster, he didn't  
22 pull the trigger. I'm not trying to say that he did.  
23 Rajshun Foster was down in Connecticut Village when that  
24 trigger was pulled, but he was an accomplice for Franklin  
25 Dover. They had a plan together and he had a role in that.

1 He was trying to fight "Slick" before this happened. He  
2 knew Dover got the gun out of the car. He dropped him off.  
3 He went down into the village. He was in active  
4 communication by phone with him, and he picked him up and  
5 drove him away afterwards.

6 Hand of one is the hand of all says that when two  
7 or more people are acting with a common plan or intent, then  
8 it does not matter who actually commits the crime. All are  
9 guilty. The hand of one is the hand of all. Two people go  
10 in to rob a convenience store and one person shoots the  
11 clerk, they are both guilty. You both were participating in  
12 a crime. Rajshun Foster and Franklin Dover are both guilty  
13 of murdering Timothy Blair. They both played an active,  
14 aggressive, cowardly role in his death.

15 You will hear an instruction about mere presence.  
16 That means if you are standing by when somebody else commits  
17 a crime, you're not guilty. That's not the hand of one,  
18 hand of all, but these defendants weren't merely present.  
19 Rajshun Foster wasn't merely present. He knew what was  
20 happening. He plotted with what would happen. He was the  
21 driver, the getaway driver.

22 And phone calls to Franklin Dover right around the  
23 time "Slick" would have been walking around that building.

24 Bear with me. I don't want to forget anything  
25 because I don't get to do this again. I appreciate your

1       patience.

2               I did find it interesting that it was Jasmine  
3       Hudson, Rajshun's girlfriend at the time. It wasn't Rajshun  
4       that called to say there had been a shooting, but it was  
5       Cordelia's girlfriend. Rajshun was there. He knew there  
6       had been a shooting and he drives away with his girlfriend's  
7       car. Not only did he not call her, but when she calls him  
8       he don't answer.

9               Rebi Tate said she got a phone call from Frank  
10       after the shooting and said "tell Shamar keep Frank's name  
11       out of his mouth" a short time after the shooting. Shamar  
12       is related to Charie Studyvance and Nakisha Love, two  
13       individuals who saw him. Charie Studyvance saw the rifle,  
14       heard him threaten "Slick". And shortly after the shooting  
15       he's called Rebi Tate and said "tell Shamar keep my name out  
16       of anything."

17              Chariece Allen sees the glove on the shooter's  
18       hand. Anton Bonner says Franklin Dover got the glove.  
19       That's -- that's an I.D. of Franklin Dover.

20              The court will advise you about the standard in  
21       this case. It is the State's burden. We have the burden of  
22       proving it to you. We brought you the witnesses who saw  
23       things that day and the days leading up to this and they  
24       said "well, you didn't hear from any law enforcement  
25       officers." I didn't have any law enforcement officers out

1       there that day that witnessed anything, but they found the  
2       people who did witness something and those are the people  
3       that you heard from.

4               As I stated, I'm sure there is going to be  
5       nitpicking of statements. If you want to rehear anything,  
6       please feel free to ask for that, whatever you all need to  
7       help you in this case.

8               We are asking for justice. Verdict means to speak  
9       the truth, and on behalf of Mr. Blair I'm asking for this  
10       jury to return a verdict of guilty of murder on both Rajshun  
11       Foster and Franklin Dover.

12              I thank you very much for your time and attention.

13              THE COURT: Yes, ma'am.

14              MS. RACINE: Thank you, Your Honor.

15              If it please the court?

16              THE COURT: Yes, ma'am.

17              MS. RACINE: A couple of days ago I came in front  
18       of you and asked you to remember one really important legal  
19       principle. I hope you still remember that legal principle  
20       and I ask that --

21              COURT REPORTER: I'm sorry, I can't hear you.

22              MS. RACINE: I'm sorry, okay.

23              Would it help if I move this back?

24              COURT REPORTER: Yes. Thank you.

25              MS. RACINE: Okay. I'm sorry, I have a soft vice.

1 I get that all the time from them.

2 But these two men were still presumed innocent.

3 No matter what Ms. Leskanic has told you, they are still  
4 presumed innocent. You have to listen. You have to decide  
5 for yourself, but let me tell you a few things.

6 I represent Rajshun, so I'm going to talk about  
7 his case. And then when I'm through, I'll let Mr. Morin  
8 come up and talk to you about Mr. Dover, okay?

9 There are three main points I want you to take  
10 away from this case, okay?

11 Number one, there was nobody who could testify for  
12 any reason that Rajshun would possibly have for wanting to  
13 hurt "Slick". There were so many witnesses who testified.

14 Terrica Bonner, she said that Rajshun came by at  
15 her house. They didn't seem happy, but she said that if she  
16 felt threatened by what they said, she would have told  
17 "Slick". She never told him. She stopped on her way out of  
18 the village that day and smoked a cigarette with "Slick" and  
19 never once did she say "oh, by the way, you might be in some  
20 danger. These two guys were looking for you a couple days  
21 ago." She thought they worked everything out. That's what  
22 she testified to. She didn't even say anything to him. She  
23 thought everything had been worked out.

24 Bernice Dowdle, she testified also about seeing  
25 interactions between the two of them and she said that she

1 never heard Rajshun threaten "Slick" or seem mad. She said  
2 it just seemed like one friend looking for another when  
3 Rajshun asked her if she had seen "Slick".

4 Jasmine Hudson, she was definitely a handful on  
5 the stand, but she was -- she was Rajshun's girlfriend at  
6 the time. And she was asked about the relationship with  
7 "Slick", and what she said was he never said anything to her  
8 about any problems or bad blood between him and "Slick".  
9 And she was at Cordelia's. Rajshun had asked for her keys  
10 to go outside. So he was out there listening to music and  
11 she looked out and she saw "Slick" and I think she said  
12 maybe one or two other guys and she didn't see anything.  
13 She didn't think there was any kind of problems from the  
14 guys that were out there. Never heard any yelling, anything  
15 like that. She said "you know, nothing at all to make me  
16 pause to think there was a problem."

17 She did testify that she saw Frank's gun when they  
18 were over at "Monkey's". They were parked beside Frank.  
19 Frank opened his car door and that's when she did see  
20 Frank's gun, but there was no testimony that Rajshun saw  
21 that gun, that Rajshun knew that gun was in that car. The  
22 only thing we know for sure is that Jasmine saw that gun.

23 Sharie Studyvance, she did say that it looked like  
24 there might have been some problems between Rajshun and  
25 "Slick". She says that it looked like they may have been

1 giving some provocation on my client's part, but she could  
2 hear a little bit of arguing, but not what they were arguing  
3 about. But when I asked her, I said "well, did Rajshun  
4 chase "Slick? Was "Slick" trying to walk away?"

5 She said "no."

6 "Did he punch "Slick" or act like he was going to  
7 punch "Slick"?

8 "No.

9 "How about shove him? Did he get up close to  
10 somebody like you want to fight, like kind of shove? Did he  
11 shove "Slick"?

12 "No, he didn't do that either.

13 "How about just threaten? Did you hear any  
14 threats to "Slick" at all?

15 "Well, no, I didn't hear that either."

16 So, again, no reason. No reason why Rajshun would  
17 want to harm "Slick".

18 Going on down the list of witnesses Ms. Leskanic  
19 called. Nakisha Love, she heard arguing when she was  
20 inside, but when she went out there was nobody out there  
21 arguing. She never heard any threats between Rajshun and  
22 "Slick", never saw anything, but Rajshun tried to fight  
23 "Slick". In fact, I believe she said she walked out and  
24 handed her baby to Rajshun. So if there is fighting going  
25 on and if there is anger, if my client is angry and mad, I'm

1 not handing my baby to him. She felt comfortable enough to  
2 hand her baby to him and let him hold the baby.

3 Kiara Douglas. Ms. Leskanic pointed out that when  
4 "Slick" was there he seemed very scared and he wanted to get  
5 his stuff, pack up and leave, but within minutes he was in  
6 the parking lot talking to Rajshun and people said that they  
7 didn't seem like anything was wrong. There they were.  
8 Terrified, but all of the sudden he's hanging out in the  
9 parking lot with his friend Rajshun, so it doesn't make any  
10 sense. If he was that afraid, why would he hang out with  
11 him?

12 There were several people who saw them out in the  
13 parking lot together and Rebi said everything seemed okay  
14 between Rajshun and "Slick". No pushing, shoving, hitting,  
15 or threatening. None of that.

16 Then you have Antron Bonner, who I do have some  
17 problems with some of his testimony. I think y'all figured  
18 that out when I was questioning him, but even him, he says  
19 when they were sitting out there by the trash can and  
20 "Slick" and Rajshun talked, he couldn't hear what was going  
21 on, but it didn't seem threatening to him. And he said when  
22 Rajshun got back in the car, he didn't seem mad. He wasn't  
23 upset. He didn't throw the phone down on the seat or say  
24 anything about "Slick". Got in the car and "hey, let's go  
25 buy some pot" and off they went.

1           There is nothing here to indicate any reason  
2 Rajshun would want his good friend "Slick" harmed, much less  
3 killed.

4           Also there has been no one who can prove beyond a  
5 reasonable doubt to you that Rajshun even knew what was  
6 going to happen. When Mr. Bonner testified that he came up  
7 to "Monkey's", Rajshun, "T", and Frank was standing outside  
8 talking. I asked Mr. Bonner "what were they talking about?

9           "I don't know. I couldn't hear a word they were  
10 saying.

11           "Okay. Well, were they plotting to kill "Slick",  
12 or were they talking about the ball game the night before?

13           "I don't know."

14           Mr. Bonner testified that on the way back when  
15 they left the village and they took Frank and "T" over to  
16 Mary Davis' house, Bonner was in the front seat. Frank was  
17 in the back seat supposedly with a gun. Bonner could not  
18 see that gun in the back seat when he was in the front seat.

19           I said "well, when Rajshun was in the front seat  
20 driving, did he say anything about seeing a gun in the back  
21 seat?

22           "No."

23           There was no indication he ever saw that gun in  
24 his back seat. No indication he saw the gun in Frank's car.  
25 No indication he saw it taken out of Frank's car and into

1 his car. Nothing.

2 And Ms. Leskanic pulled out the phone log. I'm  
3 going to actually pull out the phone log too. And this  
4 highlighted portion she's right, there were phone calls  
5 during this general time frame that this happened, right.  
6 Frank and Rajshun talked to each other on the phone.

7 Frank and Rebi also talked to each other on the  
8 phone. I'm not trying to put Rebi in this as she said any  
9 criminal responsibility or anything like that, but it wasn't  
10 like it was just a scheme for Rajshun and Frank to set him  
11 up. Frank was calling other people and he was talking to  
12 other people and then he talked to other people. That  
13 doesn't mean Rajshun and Frank were together beside. It  
14 just means that they were talking on the phone. That's all.  
15 If you check my phone records, I have got lots and lots of  
16 phone calls back and forth and texting other people.

17 There is also evidence that after the shot, it was  
18 after the shot was fired that killed "Slick". Rajshun was  
19 still in the parking lot. He was back there beside that  
20 same trash can that he was at earlier.

21 And Chariece Allen, who had been at Rebi's  
22 apartment who heard the shot, she ran around the building to  
23 see what had happened. I think she testified she had been  
24 back and forth to Rebi's, to her apartment, she is pregnant  
25 and had to keep running to the bathroom, and she said a good

1 five to ten minutes passed between the time she heard that  
2 shot and the time she saw Rajshun and told him "your friend  
3 has been shot" and he left.

4 If Rajshun knew it was going to happen and he was  
5 conspiring back and forth with his friend trying to make  
6 this master plan of you know, you shoot him, I'll pick you  
7 up, he might have been hanging out in the parking lot for  
8 ten minutes, just backed in, waiting, that shot fired, he is  
9 going to be in his car and take off to go pick up Frank. We  
10 don't have testimony to that. We have testimony that he sat  
11 there for five to ten minutes after that shot was fired. He  
12 would have never even come in the village, if you want to  
13 take another look at it. If I'm the getaway driver, Rajshun  
14 is the getaway driver, he's going to come down in the  
15 village and talk to some people and go up the hill about  
16 five, hang out with that person and talk, or are you going  
17 to wait to the top of that trail? How long do you think it  
18 takes to run down a trail, shoot somebody and run back up  
19 that trail? Ten minutes? He is going to sit up there and  
20 he's going to wait for his friend to come back up and he  
21 didn't do that. He didn't do that at all. He went down to  
22 the village and sat for a while, buying pot, hanging out.  
23 He did pick up his friend eventually and his friend got in  
24 his car and was in a panic because he needed to get him out  
25 of there, get him to the other side of town. And that's in

1 the statement that "Red" gave to the police, the first  
2 statement he gave to the police, and he wanted him out of  
3 town because he had shot him. He never said anything,  
4 though, about Rajshun saying "well, where did you shoot  
5 him?" That wasn't in that first statement that was given to  
6 police. That wasn't in the second statement or the third  
7 statement. He didn't change his statement. He just  
8 actually remembered things. He called the police and said  
9 "hey, I just remembered this happened. Hey, I just  
10 remembered this happened." Well, my friend saying "where  
11 did you shoot him" right after somebody gets in the car with  
12 the gun saying "I have got to get out of this side of town,  
13 I shot him," that's something that you are going to  
14 remember. You are not just going to forget that extremely  
15 important piece of evidence. But when I asked him about it,  
16 I said "well, no, no, I didn't tell them that in that first  
17 statement. No, I didn't tell them in that second statement  
18 or third statement. No, I didn't tell them any time in  
19 2014, or '15, or '16, '17, '18, '19. No, I didn't tell them  
20 any time," but he did remember after he got in touch with --  
21 or Ms. Leskanic got in touch with his lawyer with a deal.  
22 "You help me send these two to prison, I won't charge you  
23 with murder." Hey, that's a big deal. I'll take that deal.  
24 "Oh, yeah, I just remembered what Rajshun said when they  
25 picked him up in the car."

1                   He also said several things that are not  
2 consistent with the testimony here. He said that a little  
3 boy told him about the shooting and they left immediately,  
4 but Chariece Allen, who was there, who heard the shot  
5 herself, not second or third hand from some little boy who  
6 had heard it from someone else. Chariece was there when the  
7 shot was fired. She heard that shot and she said five to  
8 ten minutes before Rajshun left that parking lot. It wasn't  
9 an immediate thing, like Antron said.

10                  Ms. Leskanic already touched base on you with the  
11 law. I'm not going to go back into that with you. Judge  
12 Kelly is the one who will go over that with you and he will  
13 explain all of it, everything, what it means, how you should  
14 interpret it and everything like that, but I just want you  
15 to keep these two things in mind again, you know. That  
16 presumption of innocence on Rajshun continues into the jury  
17 room when you go in there to start deliberating.

18                  Also just because there's two defendants doesn't  
19 mean that you have to have two guilty verdicts, okay? You  
20 could find both guilty, both not guilty, one guilty, one not  
21 guilty, all right? It's not a -- it's not an all-in-one  
22 type thing. Each person will have its own verdict.

23                  And I just want you to remember that there is no  
24 proof if there was any reason for there to be any bad  
25 relationship between Rajshun and "Slick". No proof that

1 Rajshun knew what Frank was going to do, if, in fact, you  
2 believe Frank did anything. And "Red's" credibility is  
3 questionable based on the fact that his memory only improved  
4 when he got such a great deal from Ms. Leskanic.

5 When you think about all those things up here, I  
6 want you to find my client not guilty of this charge that  
7 he's charged with.

8 I appreciate your patience and your attention here  
9 these for these past few days. Thank you.

10 MR. MORIN: You probably recall I'm not soft  
11 spoken. I like to move around and I like to talk about the  
12 case. I like to talk about evidence.

13 When I stood here at the beginning of the trial  
14 and I made reference to my enjoyment of old westerns, I said  
15 the government is going to get up here and they are going to  
16 tell you "look at this. Look at this man," right? I stood  
17 here and I told you that Timothy Blair had been shot and  
18 killed, but that didn't stop them, because the first thing  
19 they do is they pull out that picture and make you look at  
20 it. "Look at it."

21 Well, I tell you this. The statement was made  
22 that all the evidence in this case is going to show that my  
23 client did something.

24 Now, when I'm working on these cases, sometimes I  
25 read stuff and I think, well, seems kind of odd and

1 sometimes I have to go out to the scene. And I actually  
2 looked at this photograph that they have got up here right  
3 now and you know what struck me? Chariece Allen, because it  
4 struck me, if I can work this right here, that this building  
5 and this building, they appear to be adjacent. They appear  
6 to meet, so I actually went out there and I saw this. And  
7 this is what I thought I was going to see. This space right  
8 here is what they say Chariece Allen saw a person with a gun  
9 and a mask and gloves.

10 Now, Rebi Tate testified first. And every now and  
11 then, and I try not to ask too many questions that I don't  
12 already know the answers to, but this is one I didn't know.  
13 So when I asked Rebi, because as both of them, Ms. Allen  
14 says, this is from right next to Mr. Rebi's door. And I  
15 thought okay. So if Rebi is sitting there and she's sitting  
16 there, she would have to see through Rebi to see into that  
17 crease to see that, right? But then -- then they put up  
18 another picture, if I could find it, because I think this  
19 one will tell the story.

20 This picture. "Chariece, now you tell me where  
21 you saw this man." And she said "right there," okay?

22 Now, follow me what I'm about to say, because I  
23 asked her and she said, to not just me, but also to Ms.  
24 Leskanic, "I wasn't standing right here. I was standing  
25 over here." Now, if she is standing over there, you know

1     what is going to happen? Her angle of being able to see  
2     that side of the building is going to go away. She cannot  
3     see what she said she saw. It's not physically possible.

4             If -- this is what happens when I get too excited  
5     about these things. If she's right here, all right, right  
6     here, and she moves out, for lack of a better example, she  
7     can't see that corner. If you go this way, you are going to  
8     only be able to see through there. You can't see where she  
9     says she saw it. She's not telling the truth. She said "I  
10    was over here. I wasn't all the way up against that wall."  
11    So if she's not telling the truth and if this evidence is  
12    supposed to prove anything, it proves that what she is  
13    saying and what she says she saw couldn't happen. Couldn't  
14    happen.

15            So, where did she get this story about a glove and  
16    a gun, because, mind you, she says "I saw him, but I didn't  
17    see him run away. When I heard the shot I went my house."  
18    So that was the only time she could have seen him, and  
19    that's her testimony. That's not me nitpicking some  
20    statement. That's her sitting right there and she pointed  
21    to the same things I just pointed to. "I was farther to the  
22    left." That's simple, you can't see it.

23            So where is that information coming from? Well,  
24    during the trial, and I won't tell you what my wife would  
25    have called it, I asked people "how do you know what's my

1 name?" Right? And I know it seems kind of -- kind of being  
2 a jerk, but the point I was trying to make was in order for  
3 you to know what somebody's name is, you have to be told.  
4 You have to be told, because in talking about people, like  
5 Ms. Hudson, who has never seen Mr. Dover before, but when  
6 she gave the statement, she said "Franklin Dover." She  
7 didn't -- we saw one that has a lineup, but it wasn't her.

8 And, again, and I joke around, but let's talk  
9 about Antron Bonner for a minute, because, again, sometimes  
10 every now and then during a trial I ask a question and get  
11 an answer that I have no idea what's coming. None. And for  
12 him the one that got me was he got back to "Monkey's".  
13 According to him, he went to the store to get grandma her  
14 chewing tobacco and went back to "Monkey's". The State's  
15 timeline would make that twenty, twenty-five minutes after  
16 the shooting, if you believe their timeline. And when he  
17 got there, what did he say, because there's a lot happened,  
18 and he goes "man, Facebook was all about Frank did it."  
19 Where did that come from? They proved that.

20 Rebi got a call from Frank who said "Rebi, tell  
21 Shamar to stop saying my name. I didn't do it." But guess  
22 what? He didn't say "I didn't do it," but guess who Shamar  
23 is related to? Sharie Studyvance and Ms. Love. And they  
24 say that they saw that this whole "I'm going to get you  
25 stuff", that they live over here and it occurred I'm pretty

1 sure over here. They lived in 20. But they called a  
2 witness today and that witness said -- this is the witness  
3 that had to read the statement, so I have this statement,  
4 okay?

5 "So at the time you saw "Slick", Rajshun Foster,  
6 and who you know as "Gwap"?

7 "Uh-huh.

8 "Okay. And they were all in that area together?"

9 And then the answer is ""Slick" had done walked  
10 off. I never seen Mr. Dover speak or talk to "Slick" at  
11 all."

12 She is right here. She's not over here in the  
13 parking place. She's over here close. She's sitting in  
14 her -- in the open window of the living room. She hears  
15 that conversation that's going on between Rajshun and  
16 "Slick" and says that "Slick" had already walked off and she  
17 never heard Franklin talk to "Slick". She's not related to  
18 Shamar. She hasn't had a time to talk about what's going to  
19 be happening down there.

20 I guess I have to talk about this. I didn't ask  
21 any questions of this man, because the other State's  
22 attorney said it for me. Before it even got started all  
23 this stuff about the phone records.

24 "Can you tell us about how far or how close they  
25 are to these?

1 "No, I can't tell you that. All I can do is tell  
2 you that it's hitting on this tower and it's somewhere in  
3 this area."

4 And the funny thing was when they zoomed up to the  
5 part where it's close to Connecticut Village, he went "right  
6 here." And then when they get the ones that have --

7 Let's see if I can find the one right quick. This  
8 one. Try this one. When they want to talk -- oh, this  
9 is --

10 So when they want to say -- what they want to say,  
11 well, see, they are way over here and hitting off of here,  
12 and you see it's hitting on that and goes way over here.  
13 But then they want to zoom up and they want to go "see,  
14 right here." Well, so is Gaffney. They are the ones that  
15 asked the questions. They are the ones that said "well, I  
16 can't testify about how far they were. I can just tell you  
17 that is the tower and that's the area it's coming from."  
18 What does that prove? They were in Gaffney? Okay.

19 Antron Bonner. I'm not sure what to make of  
20 Antron Bonner and I told you at the beginning I didn't want  
21 to -- you can make your own decision about Antron Bonner,  
22 but let's talk about a few things about Antron Bonner.

23 Number one, does he even know what he's charged  
24 with? I'm not sure. And if Ms. Leskanic's version of what  
25 mere presence is, and if that makes you not guilty, then why

1 is he charged, because she's up here saying "he didn't know  
2 anything about anything," but maybe the rules are different  
3 for Antron.

4 Then he says "well, you know, we were going to get  
5 marijuana. We got in the car and Dover gets in" and he  
6 knows -- he knows "Rajshun was driving, "T" was in the front  
7 seat, I was in the back seat, Dover was next to me," and --  
8 my client is charged with murder and I'm asking him how big  
9 the gun was. And it was so big, and we all know, or most of  
10 us know what a Kia Soul looks like, that it actually extends  
11 into the front seat. He knows who got in and what order,  
12 but when he gets back and I say "all right. You say you  
13 picked him up?

14 "Yes.

15 "What door did they get in?

16 "I don't know.

17 "Did they have the gun?

18 "I don't know.

19 Well, I was in the front seat."

20 Now all of the sudden he doesn't see anything.

21 Nothing. All he has to do is say "I didn't try to help  
22 him."

23 I said "well, did they get in both doors?

24 "No, they got in the same door.

25 "Okay. So they got in the same door, but you

1 didn't know the order they got in." Fine.

2 This was a big gun he's already testified. I  
3 think he's riding around with a keg in between his knees,  
4 he's either going to see the gun or not.

5 And if you believe the State's testimony, the  
6 State's theory in this case, he had to have it. So why  
7 didn't he just say "yeah, the gun was there?"

8 And then they asked Ms. Davis, they said "well, he  
9 came in?

10 "Yeah, he came in," and I had to ask, and I'm sure  
11 he told -- you could see -- you could see Mr. Dover's hands  
12 when he walked up. He walked up, the only thing he had in  
13 his hand was a bottle of Hennessy.

14 Okay, then, Mr. Bonner was the gun in the car,  
15 because after he let them out, he what? Is he sitting there  
16 like this going oh, no? Because if he didn't know -- if he  
17 did know, then he is part of this little scheme they alleged  
18 to have hatched. If he didn't know, then he's merely  
19 present and nothing happened, but he only remembered up and  
20 to the point they let him out, which gets to the whole other  
21 thing, which I can't even believe I'm having to tell you  
22 about this.

23 Their theory of the case -- think about this for a  
24 minute. This is their theory of the case. They think that  
25 Mr. Dover and Mr. Foster wanted to kill Studyvance -- I mean

1 kill "Slick". They were at Connecticut Village during the  
2 day, had the gun, were there. In fact, they were there, but  
3 instead of doing this dastardly deed they claim he did, they  
4 say they drove all the way back, picked up two other people,  
5 one of them was Antron Bonner, and they drove all the way  
6 back, because if you are going to do something like this,  
7 you know who you want with you? Antron Bonner. Does that  
8 make any sense?

9 And then Terrica Bonner. Terrica Bonner, she is  
10 "Slick's" ex-girlfriend and that surprised me, because as I  
11 said, she said -- I was asking her why she hadn't seen him  
12 or what have you and she was giving us the standard State's  
13 speech about how he seemed down. And I said "well, were  
14 y'all still together?

15 "No.

16 "You weren't still together?

17 "No."

18 And the reason I know she said no is I was  
19 surprised standing right about here and I thought "well, you  
20 are not together, but he can go in your house whenever he  
21 wants," and she said "yes." She said "yes."

22 The State's theory is they went over there in a  
23 Kia. They were going to try to kill "Slick". They drove in  
24 and then rather than going to the path that they claim they  
25 went to, they drove in so they could be seen, so that they

1 could drive back out and follow Terrica Bonner to the place  
2 where she could see them stop, which, of course, she said  
3 she knows Frank. They're saying -- she is saying "there is  
4 three other people in the car, but I don't know who they  
5 were," just like those three other people -- the only time  
6 I'm going to make a reference to it in one of their prior  
7 statements, just like those three other people that came to  
8 her house those three days before that she didn't know. And  
9 why didn't she -- that she didn't know. She says "Mr.  
10 Foster and three people I don't know, they came to my house  
11 and he seemed like he was upset with him, but I don't know  
12 who they were." To this day doesn't know who they were. To  
13 this day.

14 And then it was "well, Mr. Bonner, his name was in  
15 it, so I didn't want to tell the police. His name was in  
16 it," which get me back to what I have often thought about in  
17 this case is the name game. Everybody knows.

18 Some of you may remember that when I was young  
19 there was a candy called Pop Rocks. Right? Those of who  
20 remember, the little candy you put them in your mouth and  
21 they pop around. And they used to say that if you ate those  
22 Pop Rocks and drank a Coke, it would either cause it to boil  
23 in your stomach or explode. Okay? And everybody thought  
24 that. In fact, FDA had to have a special hotline in the  
25 early eighties just to answer that question and say it's not

1 true, and that's what's happening here. People are saying  
2 Frank Dover, Frank Dover, Frank Dover, people are starting  
3 to believe Frank Dover did it. They want you to believe  
4 that.

5 Jasmine Hudson, who is sitting in the passenger's  
6 seat of that Kia, and right next to it is that Dodge, and  
7 that somehow -- you will have to think about this. Two cars  
8 are parked beside each other. I opened the front seat of  
9 one door. You are sitting in the seat of the other door.  
10 How can I see what's in that seat, unless the car is parked  
11 way away? They want you to believe that Franklin Dover went  
12 ta-dah and then closed the door, just so she could see the  
13 gun. Does that make any sense?

14 Would you ever take Antron Bonner anywhere?  
15 That's what they are selling. They are selling Antron  
16 Bonner and a bunch of other stuff, when they put in Ms.  
17 Crawford, who said "I was right there. I'm not over there  
18 at Apartment 20. I'm right here at 82. They are right  
19 outside my window. I was sitting on the window. I never  
20 heard Franklin Dover say anything. Never."

21 And he, "Slick", had already walked away when she  
22 saw him.

23 So what is this?

24 Ms. Love. "Ms. Love, you were at your aunt's  
25 house?

1 "Yes, I was.

2 "And when all these people started running and  
3 saying he was shot, was your aunt home?

4 "No."

5 That was a good answer, because I had already  
6 asked Ms. Studyvance where she was when she heard all those  
7 people running and she said "I had gone to the store. I  
8 don't remember what store, and I came back in about twenty  
9 minutes and then I saw everybody running," but Ms. Love says  
10 she wasn't even home. She wasn't even home.

11 When the government lawyers start showing pictures  
12 of dead bodies right out of the box to you in its case and  
13 they start complaining about the fact that they don't get to  
14 get up and talk again, it's because they got a problem,  
15 because they have the burden of proof. They have to prove  
16 beyond a reasonable doubt that the evidence in this case  
17 proves that Franklin Dover is the one who pulled that  
18 trigger.

19 Now, reasonable doubt: A doubt that would cause a  
20 reasonable person to hesitate to act.

21 Antron Bonner. Is his statement something that  
22 might cause you to hesitate to act?

23 Is Chariece Allen's lies something that might  
24 cause you to hesitate to act? That might be a bold thing to  
25 say that she lied, but it's physically impossible to see

1        what she claims she saw. Does that cause you hesitate to  
2        act?

3                How about the disappearing gun, the one that  
4        everybody saw, until Antron Bonner said "I didn't see it?"

5                They are trying this man for murder and that's  
6        what they have; circumstantial mumbo jumbo, people talking  
7        about stuff, throwing names into it.

8                Was Franklin Dover ever at Connecticut Village?  
9        Yes.

10               Did Franklin Dover say "I'm going to get you?"  
11       Well, it depends, because Ms. Crawford said no, and she was  
12       closer than Love and Studyvance.

13               This theory of this case is ridiculous. And the  
14       only phone numbers they have is Franklin's. I have made  
15       phone calls to every attorney in here in the last two weeks,  
16       but if they just pull my phone, that's all they are going to  
17       see, but I'm sure that the other attorneys in here made  
18       other calls to people I don't know about other things. They  
19       knew it. They had those numbers. Well, I don't know. He  
20       didn't do that.

21               Their burden; a reason to hesitate to act; their  
22       witnesses.

23               So when you go back there and you are talking  
24       about these things, keep this in mind. When they say every  
25       piece of evidence shows that my client committed murder, it

1 does not. It does not. They haven't carried that burden  
2 and I would ask you to find my client not guilty.

3 (Whereupon, at 3:12 p.m., the Court instructed the  
4 jury panel their jury instructions).

5 THE COURT: Bring the lights back up, please?

6 Mr. Foreman, ladies and gentlemen of the jury, you  
7 have seen and heard the evidence presented, as well as the  
8 arguments of the lawyers, and it is now my duty and  
9 obligation to instruct you on the law in this case. It will  
10 then be your duty and obligation to begin deliberation  
11 through which process you will decide the facts, apply the  
12 law as I now instruct it and render a fair and impartial  
13 verdict.

14 It is your exclusive duty to determine what the  
15 facts are in this case and you will do that based on your  
16 own common-sense evaluation and examination of the testimony  
17 and the evidence received during the trial. You twelve  
18 alone will decide what effect, value and weight is to be  
19 given to any testimony or evidence received. Quite simply,  
20 your obligation as jurors is to give both the State and each  
21 defendant a fair and impartial trial based on the evidence  
22 presented and the law that I charge.

23 Indictment ending in 875 charges the defendant  
24 Franklin Pierre Dover with the offense of murder.  
25 Specifically the State alleges that he did, in Cherokee

1 County, South Carolina, on or about June 22 or 2014  
2 feloniously, willfully, and with malice aforethought kill  
3 Timothy Blair by shooting him, in violation of state law.

4 Indictment ending in 878 charges defendant Rajshun  
5 Bernard Foster with the offense of murder, specifically that  
6 the State alleges he did, in Cherokee County, South  
7 Carolina, on or about June 22, 2014, feloniously, willfully  
8 and with malice aforethought kill Timothy Blair, in  
9 violation of law.

10 I remind you the fact these defendants were  
11 arrested, charged and indicted is not evidence and it cannot  
12 be considered by you as evidence of guilt, nor does it  
13 create a presumption or inference of guilt. The indictments  
14 are written instruments which contain the charge made  
15 against each defendant. It is a formal document which  
16 brings the case before this court for trial.

17 Each defendant has pled not guilty to their  
18 respective indictment and that puts the burden on the State  
19 of South Carolina to prove each defendant's guilt beyond a  
20 reasonable doubt.

21 A person charged with committing a criminal  
22 offense in South Carolina is never required to prove himself  
23 innocent. I charge you that it is a cardinal, important and  
24 vital rule of law in a criminal trial, no matter what the  
25 seriousness of the charge may be for which a defendant

1 stands charged, each defendant is always presumed to be  
2 innocent of the crime for which the indictment was issued,  
3 unless each defendant's guilt has been proven by evidence  
4 satisfying you of each defendant's guilt beyond a reasonable  
5 doubt. This presumption of innocence does not end when you  
6 begin your deliberation. It accompanies each defendant  
7 throughout the trial, until you reach a verdict of guilt  
8 based on evidence satisfying you of guilt of that defendant  
9 beyond a reasonable doubt.

10 The presumption of innocence has been described as  
11 being like a robe of innocence placed about the shoulders of  
12 each defendant, which remains with that defendant from the  
13 moment of arrest and continues until it has been stripped  
14 from his shoulders by evidence satisfying you of guilt  
15 beyond a reasonable doubt.

16 The presumption of innocence is not a legal  
17 theory, nor a legal phrase. It is a substantial right to  
18 which every defendant is entitled, unless you twelve jurors  
19 are satisfied from the evidence of each defendant's guilt  
20 beyond a reasonable doubt.

21 I remind you that during this trial you and I have  
22 certain duties to perform. As the trial judge it is my  
23 responsibility to preside over the trial, and additionally I  
24 have a duty to rule on admissibility of evidence offered  
25 during the trial. You are to consider only the evidence

1 before you. You will consider only the testimony which has  
2 been presented, the exhibits which have been made a part of  
3 the record, and any stipulations by the lawyers.

4 Additionally I have the duty to charge you on the  
5 law in this case. As presiding judge, I am the sole judge  
6 of the law and it is your duty to accept it and apply it as  
7 I now state it to you.

8 I charge you that if you have any idea as to what  
9 the law is or what the law ought to be or should be and it  
10 does not agree with what I now tell you the law is, you must  
11 abandon your idea, because you are sworn to accept it and  
12 apply it as I now state it to you.

13 In every case tried in this courtroom before a  
14 jury you twelve become the sole and exclusive judge of the  
15 facts in a case. State law does not allow a trial judge to  
16 make a comment or a statement to a jury about any fact in a  
17 case. You twelve are the sole judges of the facts and you  
18 are not to infer from anything that I have said during this  
19 trial in ruling on admissibility of evidence or otherwise  
20 that I have an opinion about a fact in this case. I charge  
21 you and I tell you the law of South Carolina does not allow  
22 me, a trial judge, to have an opinion about a fact in this  
23 case. This is a matter solely for you twelve to determine.

24 The State of South Carolina has the burden of  
25 proving each defendant guilty beyond a reasonable doubt.

1 Proof beyond a reasonable doubt is proof that leaves you  
2 firmly convinced of each defendant's guilt. There are very  
3 few things in this world that we know with absolute  
4 certainty and in criminal cases the law does not require  
5 proof that overcomes every possible doubt.

6 A reasonable doubt may be described as the kind of  
7 doubt that would cause a reasonable person to hesitate to  
8 act. If you have such a doubt as to the guilt of either of  
9 these defendants, or both of them, then that defendant or  
10 both of them are entitled to a verdict of not guilty.  
11 Reasonable doubt may arise from evidence in the case, or it  
12 may arise from the lack of evidence in a case.

13 Based on your consideration of the evidence, if  
14 you are firmly convinced that each defendant is guilty of  
15 the crime charged, you must find that defendant guilty.

16 On the other hand, if you think there is a real  
17 possibility that either or both are not guilty, you must  
18 give that defendant or both defendants the benefit of the  
19 doubt and find him not guilty.

20 You twelve alone must make the individual  
21 determination of whether or not reasonable doubt exists as  
22 to the guilt of each defendant.

23 Now, ladies and gentlemen, there are two types of  
24 evidence which are generally presented in a trial. They are  
25 known as direct evidence and circumstantial evidence.

1 Direct evidence is testimony of a person who  
2 claims to have actual knowledge of a fact, such as an  
3 eyewitness. It is evidence which immediately establishes  
4 the fact to be proven.

5 Circumstantial evidence is proof of a chain of  
6 facts and circumstances indicating the existence of a fact.  
7 It is evidence which establishes collateral facts from which  
8 a main fact may be inferred. It is based on inference and  
9 not on personal knowledge or observation.

10 The law of this state makes no distinction between  
11 the weight or value to be given either direct or  
12 circumstantial evidence, nor is a greater degree of  
13 certainty required of circumstantial evidence. You twelve  
14 should weight all the evidence and after doing so if you are  
15 not convinced of the guilt of a defendant beyond a  
16 reasonable doubt, you must find that defendant not guilty.

17 Now, under the Constitution of South Carolina you  
18 twelve are the finders of facts, and, therefore, you must  
19 assess credibility of witnesses who have testified.

20 Credibility simply means believability.

21 It is your duty to analyze and evaluate the  
22 evidence and determine which evidence is convincing to you.

23 In determining believability of witnesses who have  
24 testified, you may believe one over several, or several over  
25 one. You may believe a part of the testimony of a witness

1 and reject the part of the testimony of that same witness.  
2 You may believe the testimony in its entirety, or you may  
3 reject a witness' testimony in its entirety. You may  
4 consider whether any witness has exhibited any interests,  
5 bias, prejudice, or motive.

6 Whatever your good judgment and common sense tells  
7 you is the most believable testimony is the testimony that  
8 you should accept and reject the testimony which you find  
9 not to be credible or believable.

10 The Rules of Evidence ordinarily do not permit  
11 witnesses to testify to opinions or conclusions, but an  
12 exception to this rule exists for a witness we call an  
13 expert witness. A witness who by their education,  
14 experience and training or profession may state an opinion  
15 as to relevant and material matter in which the witness  
16 claims to be an expert and also maybe the reasons therefore.  
17 You should consider any expert opinion received in evidence  
18 like all other evidence and give it the weight you think it  
19 deserves. If you decide the opinion of the expert witness  
20 was not based on sufficient education nor experience, or  
21 that the reasons given in support of the opinion are not  
22 sound or is outweighed by other evidence, you may disregard  
23 that opinion testimony. I tell you and charge you that an  
24 expert witness' testimony is to be given no greater weight  
25 than that of other witnesses simply because that witness was

1 qualified as an expert. And, further, you are not required  
2 to accept the expert's opinion.

3 I instruct you and emphasize the fact that these  
4 defendants did not testify is not a factor to be considered  
5 by you in your deliberations and in your consideration on  
6 the question of guilt or innocence. It must not be  
7 considered by you at all. Every defendant has a  
8 Constitutional Right to remain silent and the assertion of  
9 the right must not be considered in your deliberation. The  
10 burden of proof is on the State and no defendant is required  
11 to prove his innocence. The burden of proof remains on the  
12 State to prove guilt beyond a reasonable doubt as to each  
13 defendant.

14 Now, criminal intent is a necessary element of  
15 each crime that must be proved by the State beyond a  
16 reasonable doubt. Criminal intent is a matter that must be  
17 determined by you, the jury, from the circumstances  
18 surrounding the situation. There is no way to prove intent  
19 to a mathematical certainty. Medical science cannot dissect  
20 a person's brain and determine what that person had in mind,  
21 so our law says that criminal intent may be inferred from  
22 the circumstances which were shown to have existed.

23 Criminal intent is a state of mind when operated  
24 jointly with an act is the commission of a crime. It is a  
25 mental state. It is a conscious wrongdoing, so it is up to

1 you twelve to determine which each of these defendants  
2 intended to do based on the circumstances shown to have  
3 existed.

4 I tell you that the State must prove criminal  
5 intent of each defendant beyond a reasonable doubt. It is  
6 not necessary to establish by direct or positive evidence,  
7 but intent may be established by inference, the same way as  
8 any other fact taken into consideration the acts of the  
9 parties and the facts of the circumstances of the case.

10 The State must prove intent. Now, while the State  
11 may prove motive, it's unnecessary for the State to do so,  
12 but they must prove criminal intent.

13 Now, each of these defendants is charged with  
14 murder. And in order to prove this crime, the State must  
15 prove each defendant killed another person with malice  
16 aforethought, either expressed or implied.

17 Malice has been defined as hatred, ill will,  
18 hostility towards another. It is the intentional doing of a  
19 wrongful act without just cause or excuse and with an intent  
20 to kill that the law will infer an evil intent.

21 Malice aforethought does not require that malice  
22 exists for any particular time before the act is committed,  
23 but malice must exist in the mind of the defendant before  
24 and at the time the act was committed. Therefore, there  
25 must be a combination of previous evil intent and the act

1       itself.

2               Malice aforethought may be expressed or inferred.  
3       These terms expressed and inferred do not mean different  
4       kinds of malice, but merely the means and manner in which  
5       malice may be shown to exists. It is either by direct  
6       evidence or by inference from the facts and circumstances.

7               Expressed malice is shown when a person speaks  
8       words which express hatred or ill will for another, or when  
9       the person prepared beforehand to do the act which was later  
10      accomplished. For example, lying in wait for a person.

11              Malice is wrongful intent to injure another and it  
12      indicates a wicked or depraved spirit intent on doing wrong.  
13      It is the doing of a wrongful act intentionally without just  
14      cause or excuse.

15              Intent means intending the result which actually  
16      occurred and not accidentally or involuntarily.

17              Intent may be shown by acts and conduct of each  
18      defendant and other circumstances from which you may  
19      naturally and reasonably infer intent.

20              Evidence of the character of the act, the  
21      character of the instrument used, the manner in which it was  
22      used, the purpose to be accomplished and resulting wounds or  
23      injuries may be considered in determining intent.

24              The use of a deadly weapon gives rise to a  
25      permissive inference of malice. You twelve may draw an

1 inference of malice from proof of the use of a deadly weapon  
2 if you conclude such an inference is proper after  
3 considering all the facts and circumstances in evidence.

4 You are free to accept or reject the permissive  
5 inferences, depending on your view of the evidence.

6 The law says if one intentionally kills another  
7 with a deadly weapon, the implication of malice may arise.

8 If the facts are proved beyond a reasonable doubt  
9 sufficient to raise an inference of malice to your  
10 satisfaction, the inference would be simply an evidentiary  
11 fact to be taken into consideration by you, along with all  
12 other evidence, and give it such weight as you determine it  
13 should receive.

14 A deadly weapon is an article, instrument, or  
15 substance which is likely to cause death or great bodily  
16 harm. Whether an instrument or object has been used as a  
17 deadly weapon depends on the facts and circumstances of each  
18 case.

19 Now, if a crime is committed by two or more people  
20 who are acting together in committing a crime, the act of  
21 one is the act of all.

22 A person who joins with another to commit an  
23 unlawful act is criminally responsible for everything done  
24 by the other which happens as a probable or natural  
25 consequence of the act done in carrying out the plan or

1 purpose.

2 If two or more are together, acting together,  
3 assisting each other in committing the offense, the act of  
4 one is the act of all, which is sometimes called the hand of  
5 one is the hand of all.

6 Prior knowledge that a crime is going to be  
7 committed, without more, is not sufficient to make a person  
8 guilty of that crime.

9 Mere knowledge that another is going to commit a  
10 crime, even if the defendant is present when the crime was  
11 committed, is not sufficient to convict a defendant as a  
12 principal.

13 Guilt as a principal is shown by actual or  
14 constructive presence at the scene as a result of prior  
15 arrangement. Therefore, a finding of a prior arranged plan  
16 or common scheme necessary for a finding of guilt as a  
17 principal. The State must prove beyond a reasonable doubt  
18 by competent evidence the theory of the hand of one is the  
19 hand of all.

20 A principal in a crime is one who either actually  
21 commits the crime or who is present of aiding, abetting, or  
22 assisting in the committing of a crime.

23 Aiding and abetting comprehends all assistance  
24 required by acts or words of encouragement or support or  
25 presence to render assistance, should it become necessary.

1           When a person does an act in the presence of and  
2           with the assistance of another, the act is done by both.

3           Where two or more acting with a common plan or  
4           intent or present at the commission, it does not matter who  
5           actually commit the crime, all are guilty.

6           Present at the commission of a crime means is  
7           sufficiently near to aid and abet and assist in the  
8           commission of the crime. However, ladies and gentlemen,  
9           mere presence at the scene of a crime is not sufficient to  
10          convict one as a principal on the theory of aiding and  
11          abetting.

12          Intent is also a necessary element, for there must  
13          have been a common design or intent to commit the crime and  
14          it must have been committed pursuant thereto with the person  
15          aiding and abetting by some overt act.

16          Now, where there are two defendants -- there are  
17          two defendants in this case and each is charged with murder.  
18          What ever verdict you find, it does not have to be the same  
19          as to both defendants.

20          Ladies and gentlemen, you take each defendant,  
21          consider the evidence as to him alone and write your verdict  
22          in accordance and in conformity with the evidence in the  
23          case and the instructions I have given.

24          Where more than one person is charged, if the  
25          evidence warrants it, you may convict one and acquit the

1 other, or you may acquit both, or you may convict both. It  
2 will depend upon your view of the testimony and the evidence  
3 which you twelve alone are to pass upon.

4 Now, you twelve have been selected as fair and  
5 impartial jurors, sworn to impartially try and determine the  
6 facts of this case, and you are to decide this case  
7 according to the testimony you have heard from the  
8 witnesses, along with the evidence presented in this trial.

9 Ladies and gentlemen, your verdict must be  
10 unanimous.

11 Mr. Foreman, when the jury agrees on the verdicts,  
12 you will indicate the verdicts in the space provided on a  
13 verdict form that I will provide and sign your name as the  
14 foreperson of this jury. Knock on the jury room door,  
15 inform the bailiff that you have reached verdicts, and at  
16 that time we will receive you in the courtroom and -- return  
17 you to the courtroom and receive the verdict.

18 During your deliberations, Mr. Foreman, you may  
19 only discuss the case in the jury room with fellow jurors,  
20 because they have seen and heard the same evidence that you  
21 have seen and heard. However, you must not discuss the case  
22 with anyone else until the verdict is reached.

23 Mr. Foreman, the jury must be together, all  
24 twelve, during deliberations. We have a couple of smokers  
25 on the jury. If they decide to smoke, then you will have to

1       cease your deliberations while they smoke, go outside to  
2       smoke.

3               If a juror needs to excuse himself or herself to  
4       use the restroom facilities or get water, you must cease  
5       deliberations until all twelve are together. Deliberations  
6       are only proper when all twelve are together.

7               Okay. Mr. Foreman, these are the two verdict  
8       forms I'm going to send to you. I'm just going to pick up  
9       one of them. They are exactly alike, except for the number  
10      and the name. My law clerk makes this in every case I try  
11      and it has the caption of the case and it has a number up  
12      here, which means nothing, except it goes with one of these  
13      indictments.

14              It says "the State of South Carolina versus  
15      Franklin Pierre Dover, defendant, we, the jury unanimously  
16      find the defendant Franklin Pierre Dover on the charge of  
17      murder not guilty; or guilty."

18              I tell you that there is no significance as to  
19      whether not guilty is listed first and guilty is second. It  
20      merely has to be in some order and I put them in this order  
21      in every case that I try.

22              It then says "I certify this decision was the  
23      unanimous decision of the jury." It has a line for you to  
24      sign your name. It says foreperson underneath it. If you  
25      would sign your name and you check, put an X mark, put an

1 initial. It does not matter to me what you use to indicate  
2 the verdict of the twelve. I only ask that it be  
3 unambiguous, it be very clear which verdict it is so that  
4 Madam Clerk can publish it.

5 Once you sign it, it has a place to put the date,  
6 and it already has Gaffney, South Carolina underneath it.

7 The other one is exactly the same, except for a  
8 different name and it has a different number which goes with  
9 Mr. Foster's indictment.

10 Now, I'm getting ready to send you to the jury  
11 room. Take your break at that time. We have been running  
12 but I didn't want to interrupt them, so take your break, but  
13 at the end of the break, we will give you about fifteen  
14 minutes, I am going to send all of the exhibits, everything  
15 that's been received. It belongs to you. All thirteen will  
16 be in the jury room. When my bailiff brings the exhibits  
17 and both of these forms, ma'am, you are the alternate, you  
18 will leave with my bailiff and come back to the courtroom.  
19 Okay? Once the twelve begin their deliberations, you would  
20 not be present. It would only be the twelve at that point.  
21 So your key to leave and come back to this courtroom will be  
22 when my bailiff brings this to Mr. Foreman, along with the  
23 exhibits.

24 Now, before we break -- we will let you go on back  
25 and break, but do not begin deliberations. Before we break

1 I'm going to ask the lawyers to come forward and meet with  
2 my court reporter. All of these exhibits belong to you and  
3 I have kept a list and my court reporter has the official  
4 list. It is so very easy in closing arguments, because I  
5 practiced law a long time before coming up here, it's so  
6 very easy to be talking to a jury and lay something down at  
7 the table and now it's missing and it belongs to you. So  
8 they are going to come forward while you are on break and  
9 verify that everything is there, nothing is missing. In  
10 about fifteen minutes the bailiff will bring that to you and  
11 that is all the evidence in the case and there can be no  
12 more. Sometimes I get asked a question. There is no more  
13 evidence and that's it. Okay.

14 If you will take them out.

15 Do not begin deliberations. Take your break.

16 And Mr. Bailiff, you may remove that for them.  
17 It's going to be in the way.

18 Take your break and I'll send them back to you in  
19 about fifteen minutes.

20 (Whereupon, at 3:35 p.m., the jury panel retired  
21 to the jury room, awaiting instructions to begin  
22 deliberations)

23 MR. MORIN: Your Honor?

24 THE COURT: Yes, sir.

25 MR. MORIN: I apologize if I didn't get this, but

1 sometimes after I get caught in the spirit I lose track. I  
2 don't remember if I heard you say about the defendant's  
3 right to not testify and not be held against him. If you  
4 did, that's fine, but I couldn't remember hearing it.

5 THE COURT: I did.

6 MR. MORIN: It might have been early on.

7 THE COURT: "The defendant has a Constitutional  
8 Right to remain silent and the assertion of his right must  
9 not be considered you in your deliberations."

10 MR. MORIN: Thank you. That's what I was going to  
11 make sure of.

12 THE COURT: Thank you.

13 Anything else from anyone?

14 MS. LESKANIC: Nothing from the State.

15 MR. KENDALL: No, sir.

16 MR. MORIN: No.

17 THE COURT: Ladies and gentlemen, if you will  
18 gather up with Mr. Court Reporter and make sure everything  
19 is there.

20 (Off the record).

21 (Back on the record)

22 THE COURT: Okay. Do we have everything?

23 MR. MORIN: We do.

24 MS. LESKANIC: Yes, Your Honor.

25 THE COURT: All right. When you take this back

1 there and give all this to Mr. Foreman, then bring the young  
2 lady who is the alternate back in here.

3 THE BAILIFF: All right.

4 THE COURT: Thank you.

5 (Whereupon, at 3:52 p.m., the jury panel was  
6 instructed to begin deliberations)

7 (Whereupon, the alternate juror was brought into  
8 the courtroom)

9 THE COURT: Ma'am, come right around here, please.

10 Ma'am, you are the alternate. The jury has now  
11 received the evidence received the case. Pursuant to state  
12 law, Title 14-7-1340, once that happens the alternate shall  
13 be discharged upon submission of the case for the jury. So  
14 you are now discharged. You may turn your badge in and I  
15 think she has a pay slip here for you for a million dollars.

16 There is no reason to call tonight, ma'am. The  
17 jury is done for the week.

18 ALTERNATE JUROR: All right. Thank you.

19 THE COURT: Thank you.

20 (Whereupon, the alternate juror was discharged  
21 from jury service)

22 (Whereupon, at 3:54 p.m., proceedings were  
23 recessed, pending the verdict of the jury panel)

24 (Whereupon, at 5:35 p.m., proceedings were  
25 reconvened).

1 (Jury Note marked as Court's Exhibit No. 4 for  
2 identification)

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

5 (Whereupon, at 5:37 p.m., proceedings were  
6 recessed, pending the verdict of the jury panel).

7 (Whereupon, at 6:50 p.m., proceedings were  
8 reconvened)

9 THE COURT: All right. Before we bring the jury  
10 in, I am told that we have a verdict, and if you are in the  
11 gallery and cannot control your emotions, I'm going to ask  
12 you to leave now, okay? If you can't control your emotions,  
13 because we are not going to have any celebration, we are not  
14 going to have any outbursts of any kind. If they do, these  
15 officers are going to take you into custody and I'll deal  
16 with it whenever I get around to hold a contempt hearing,  
17 okay? So if you want to leave now, somebody will talk to  
18 you later about it, that's fine, but please do so.

19 All right, we will have this jury.

20 (Whereupon, at 6:52 p.m., the jury panel returned  
21 to open court to report its verdict)

22 THE COURT: Mr. Foreman, has the jury reached its  
23 verdict?

24 JURY FOREPERSON: Yes, we have.

25 THE COURT: If you would hand that to the bailiff

1 and give it to Madam Clerk, please.

2 Madam Clerk, if you will publish the verdict.

3 THE CLERK: 2014-GS-11-875, State of South  
4 Carolina versus Franklin Pierre Dover, we, the jury,  
5 unanimously find the defendant Franklin Pierre Dover on the  
6 charge of murder, guilty.

7 Signed by Foreperson John Powell.

8 2014-GS-11-878, State of South Carolina versus  
9 Rajshun Bernard Foster, we, the jury, unanimously find the  
10 defendant Rajshun Bernard Foster on the charge of murder,  
11 guilty.

12 Signed by Foreperson John Powell.

13 Mr. Foreman and ladies and gentlemen of the jury,  
14 if this is the verdict of you all, please indicate by  
15 raising your right hand.

16 (Whereupon, all jurors raised their right hands)

17 THE CLERK: Thank you.

18 THE COURT: Polling of the jury from the State?

19 MS. LESKANIC: No, Your Honor.

20 THE COURT: From the defense?

21 MR. MORIN: No, sir.

22 MS. RACINE: No, sir.

23 THE COURT: No polling. Okay.

24 Anything further regarding the jury at this time?

25 (Off the record).

1 (Back on the record)

2 THE COURT: If you would just get the indictment  
3 signed and I'll turn it over to you.

4 Mr. Foreman, ladies and gentlemen of the jury,  
5 thank you for your service. This will conclude your service  
6 this week. I will be working tomorrow and Friday here in  
7 the courtroom and you are welcome to come. You won't be  
8 required to do so. I'm doing nonjury matters the rest of  
9 the week, so we don't need a jury and your brothers and  
10 sisters will be released. Actually they have already called  
11 that number after six p.m. and told them not to report, so  
12 everyone has been released. I'm now releasing you.

13 Again, thank you so very much for your service.  
14 Again, I want to invite you any time to come into the  
15 courtroom when I'm here. I would love for you to come.  
16 This is your courthouse, your courtroom.

17 I'm going to turn it over to Madam Clerk and she's  
18 going to pay you now.

19 THE CLERK: I too want to thank you for your time  
20 and your service this week. I told you when you checked in  
21 on Monday that you play a very important role in the  
22 judicial system. This is just a small token. I know some  
23 of you were not at work this week and didn't get paid, other  
24 than the little bit from Cherokee County. Thank you. But  
25 we do thank you. Like the judge said, we are going to

1 continue to move cases this week and we don't need your  
2 services, so you are done. You won't need to call in.

3 The county administration building is closed, so  
4 you will take this back over there. They are open every day  
5 from 8:30 to 5:00. Take it to the treasurer's office. Your  
6 treasurer, Ms. Jackie Williams, pays cash for jury service.  
7 It's not a check. It's a voucher and the bottom sheet is  
8 your work excuse. So if you need anything further for your  
9 employer, just have them contact me.

10 When I call your name, you are free to go. Please  
11 give the bailiff your badge as you exit and you will be  
12 good.

13 (Whereupon, the jury panel was discharged from  
14 further service)

15 (Off the record).

16 (Back on the record).

17 THE COURT: Okay. Matters from the State?

18 MS. LESKANIC: (No response).

19 Matters from the defense?

20 MR. MORIN: No, sir.

21 MS. RACINE: No, sir.

22 MR. MORIN: Your Honor, I'll make a motion for a  
23 new trial based on the same grounds that I made my directed  
24 verdict motion on.

25 THE COURT: Okay.

1 Solicitor?

2 MS. LESKANIC: Your Honor, the jury has heard all  
3 of the facts and evidence and they have reached a unanimous  
4 decision. We ask the motion be denied.

5 THE COURT: Yes, a new trial motion on behalf of  
6 Mr. Dover is denied, in that there was a question of fact to  
7 go to the jury, sufficient facts for them to render a  
8 verdict.

9 Ms. Racine?

10 MS. RACINE: Thank you, Your Honor.

11 I would also like to make a motion for a new  
12 trial.

13 THE COURT: As to Mr. Foster?

14 MS. RACINE: Yes, sir.

15 THE COURT: Okay. Does the State's position  
16 remain the same?

17 MS. LESKANIC: Yes, Your Honor.

18 THE COURT: And for the same reason, Mr. Foster's  
19 motion is denied.

20 Okay. Anything else?

21 MR. MORIN: No, sir.

22 THE COURT: Okay.

23 Solicitor?

24 MS. LESKANIC: May it please the court, Your  
25 Honor, the court has already heard all of the facts related

1 to this case.

2 Both defendants do have prior criminal histories,  
3 if the court needs that information.

4 THE COURT: Yes, ma'am, please.

5 MS. LESKANIC: As to Mr. Dover, his record begins  
6 in 2006 with possession of a Schedule I through V controlled  
7 substance.

8 Possession of marijuana.

9 2011, distribution of crack cocaine.

10 Possession of crack cocaine and possession of  
11 marijuana.

12 And a driving under suspension in 2014.

13 And then he picked up these charges, of course, in  
14 2014.

15 As to Mr. Foster, his record begins in 2003 with a  
16 shoplifting.

17 2004, simple assault.

18 Giving false information.

19 And trespassing.

20 2006, possession of crack cocaine.

21 2007, possession of marijuana.

22 Trespassing.

23 And assaulting a police officer while resisting  
24 arrest.

25 Also in 2007, a parole revocation.

1 2011, violation of probation.

2 2013, driving under suspension.

3 And then these charges in 2014, Your Honor.

4 THE COURT: Okay. Mr. Morin?

5 MR. MORIN: Your Honor, my client is thirty-three  
6 years old. He's been staying with his fiancé and he's also  
7 stayed some with his mom, I think, or that's where he would  
8 be.

9 He was in jail for six months before he bonded  
10 out. He then spent 1,213 days on home detention with  
11 electronic monitoring. During that time he was employed and  
12 paying his fees and doing what he's supposed to there.

13 And then he's been in jail now for another two  
14 months since our last trial.

15 I would ask that he get credit for those.

16 THE COURT: Do you have a total amount?

17 MR. MORIN: I have the days for the home detention  
18 and if I could have a moment, I will have it.

19 THE COURT: Sure. Okay.

20 Mr. Dover, would you like to speak?

21 DEFENDANT FRANKLIN PIERRE DOVER: No.

22 THE COURT: No?

23 DEFENDANT FRANKLIN PIERRE DOVER: No, sir.

24 THE COURT: Okay.

25 Ms. Racine?

1 MS. RACINE: Thank you, Your Honor.

2 My client is thirty-two years old.

3 He does own his own home where his sixteen year  
4 old son has been living.

5 He also has been working.

6 He spent about six months in jail; out on home  
7 detention for approximately four years. Got off of that and  
8 he has been in jail since the last trial, approximately  
9 sixty-one days. I don't have the exact calculation. I can  
10 figure it up, but I don't have it right this second.

11 THE COURT: Okay.

12 2014-0875, Mr. Franklin Pierre Dover, you are  
13 sentenced to the Department of Corrections for life.

14 Give you credit for any time that you are  
15 entitled.

16 2014-0878, Mr. Rajshun Bernard Foster, Department  
17 of Corrections for 35 years.

18 I'll give you credit for the time that you served.

19 This was a senseless crime.

20 Best of luck to both of you.

21 MR. KENDALL: Thank you, Your Honor.

22 MS. LESKANIC: Thank you, Your Honor.

23 (END OF REQUESTED TRANSCRIPT OF RECORD)  
24  
25

## CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Cherokee County, South Carolina, on the 15th, 16th and 17th days of July, 2019.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

JANUARY 16, 2020

Michael R. Watts

Michael R. Watts  
Circuit Court Reporter