

Jul 17 2020

SC Court of Appeals

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| STATE OF SOUTH CAROLINA     | ) |                                  |
|                             | ) | IN THE COURT OF GENERAL SESSIONS |
| COUNTY OF CHEROKEE          | ) |                                  |
|                             |   |                                  |
| THE STATE OF SOUTH CAROLINA | ) |                                  |
|                             | ) | TRANSCRIPT OF RECORD             |
| -vs-                        | ) | 2014-GS-11-00875                 |
|                             | ) |                                  |
| FRANKLIN PIERRE DOVER,      | ) | JULY 15, 2019                    |
|                             | ) | GAFFNEY, SOUTH CAROLINA          |
| DEFENDANT.                  | ) |                                  |

(VOLUME I)

B E F O R E:

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

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

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

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

MICHAEL MORIN, ESQUIRE  
ATTORNEY FOR DEFENDANT FRANKLIN PIERRE DOVER

MICHAEL R. WATTS  
CIRCUIT COURT REPORTER

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

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

10 (VOLUME I)

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19 ATTORNEY FOR THE STATE

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

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

23  
24 MICHAEL R. WATTS  
25 CIRCUIT COURT REPORTER

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1 (PROCEEDINGS, JULY 15, 2019).

2 (Photograph marked as State's Exhibit No. 1 for  
3 identification)

4 (Photograph marked as State's Exhibit No. 2 for  
5 identification)

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24 (CAD Sheet marked as State's Exhibit No. 12 for  
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8 identification)

9 (Bullet Cartridge Casing marked as State's Exhibit  
10 No. 17 for identification)

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17 (Photograph marked as State's Exhibit No. 21 for  
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19 (Photograph marked as State's Exhibit No. 22 for  
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21 (Bullet Fragment marked as State's Exhibit No. 23  
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25 (Cellphone Records marked as State's Exhibit No.

1 25 for identification)

2 (Cellphone Records marked as State's Exhibit No.  
3 26 for identification)

4 (Cellphone marked as State's Exhibit No. 27 for  
5 identification)

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

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

12 (Off the record)

13 (Back on the record)

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

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

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

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

22 THE CLERK: You may be seated.

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

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

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

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

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

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

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

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

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

9           (No response)

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

14          Ma'am, your number, please?

15          JUROR NUMBER 118: Number 118, Quensena Robinson.

16          THE COURT: 118?

17          JUROR NUMBER 118: Yes.

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

20          JUROR NUMBER 118: Franklin Dover.

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

24          JUROR NUMBER 118: I think so.

25          THE COURT: Ma'am?

1 JUROR NUMBER 118: Yes, sir.

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

5 Anyone else?

6 (No response)

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

10 Terrica Bonner.

11 Bernice Dowdle.

12 Jasmine Hudson.

13 Sharie Studyvance.

14 Nakisha Love.

15 Susan Crawford.

16 Kiara Douglas.

17 Rebi Tate.

18 Chariece Allen.

19 Taisha Crudup.

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

22 Antron Bonner.

23 Billy Anthony.

24 Mary Davis.

25 Dr. Janice Ross. ?

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

1 Annette Littlejohn.

2 Renatta Littlejohn.

3 Brittany Watkins.

4 Charlotte Watkins.

5 Lakesha Laney.

6 Kevin Walters.

7 Demetrius Laney.

8 And Richard Burgess.

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

12 Yes, ma'am, your number?

13 JUROR NUMBER 15: 15.

14 THE COURT: 15?

15 JUROR NUMBER 15: Yes.

16 THE COURT: You are --

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

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

21 JUROR NUMBER 15: No, sir.

22 THE COURT: You may stay with us.

23 Yes, ma'am.

24 JUROR NUMBER 90: Juror 90.

25 Brian Mullinax is my cousin.

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

3 JUROR NUMBER 90: No, sir.

4 THE COURT: You may stay.

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

9 Yes, sir, your number?

10 JUROR NUMBER 133: 133.

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

13 THE COURT: Yes, sir.

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

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

18 JUROR NUMBER 133: No, sir.

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

21 JUROR NUMBER 133: Yes, sir.

22 THE COURT: You may stay.

23 Anyone else?

24 (No response)

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

1 introduce themselves.

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

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

6 THE COURT: Yes.

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

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

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

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

18 THE COURT: Thank you.

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

22 (No response).

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

1 (No response).

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

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

8 JUROR NUMBER 133: No, sir.

9 THE COURT: And your number again?

10 JUROR NUMBER 133: 133.

11 THE COURT: Thank you.

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

16 (No response).

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

21 (No response).

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

1 (No response).

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

8 (No response).

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

12 (No response).

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

16 (No response).

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

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

1 Yes, ma'am, your number?

2 JUROR NUMBER 4: 4.

3 THE COURT: 4?

4 JUROR NUMBER 4: Uh-huh.

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

6 JUROR NUMBER 4: Ms. Leskanic.

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

9 JUROR NUMBER 4: (Shaking head no).

10 THE COURT: No?

11 JUROR NUMBER 4: No.

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

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

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

18 JUROR NUMBER 133: 133, yes, sir.

19 THE COURT: Okay, 133.

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

22 JUROR NUMBER 133: No, sir.

23 THE COURT: You may stay.

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

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

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

6 JUROR NUMBER 78: 78.

7 THE COURT: What agency? County, city?

8 JUROR NUMBER 78: County.

9 THE COURT: The county.

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

12 JUROR NUMBER 78: No, sir.

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

14 Yes, ma'am.

15 JUROR NUMBER 111: 111.

16 THE COURT: What agency?

17 JUROR NUMBER 111: It's the county.

18 THE COURT: County?

19 JUROR NUMBER 111: County.

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

22 JUROR NUMBER 111: No, sir.

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

24 Yes, ma'am?

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

1 the state. I'm not sure.

2 THE COURT: State?

3 JUROR NUMBER 146: Yeah.

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

6 JUROR NUMBER 146: No, sir.

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

8 Yes, ma'am?

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

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

12 JUROR NUMBER 90: No, sir.

13 THE COURT: You may stay.

14 Yes, ma'am?

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

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

18 JUROR NUMBER 47: Possibly.

19 THE COURT: Possibly?

20 JUROR NUMBER 47: Yes.

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

23 JUROR NUMBER 47: Yes.

24 THE COURT: It would interfere?

25 JUROR NUMBER 47: Yes.

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

3 JUROR NUMBER 47: Okay.

4 THE COURT: Yes, sir.

5 JUROR NUMBER 109: 109.

6 My nephew was in the Air Force security forces.

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

9 JUROR NUMBER 109: No, sir.

10 THE COURT: Okay. You may stay.

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

12 THE COURT: 109?

13 JUROR NUMBER 109: Yes.

14 THE COURT: 109.

15 4?

16 JUROR NUMBER 4: Number 4.

17 THE COURT: Would that interfere --

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

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

22 JUROR NUMBER 4: No, sir.

23 THE COURT: You may stay.

24 Yes, sir.

25 JUROR NUMBER 114: 114. County.

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

3 JUROR NUMBER 114: No, sir.

4 THE COURT: You may stay.

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

9 (No response).

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

15 (No response).

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

19 (No response).

20 THE COURT: Anything from the State?

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

22 THE COURT: Sure.

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

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

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

4 (No response)

5 THE COURT: Any kind of social media.

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

8 Well -- yes, sir. Number again?

9 JUROR NUMBER 133: 133.

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

12 JUROR NUMBER 133: No, sir.

13 THE COURT: Thank you. You may stay.

14 Anyone else?

15 (No response).

16 THE COURT: Anything from defense?

17 MR. MORIN: No, sir.

18 MS. RACINE: No, sir.

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

20 (Off the record).

21 (Back on the record)

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

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

5           Juror 146, Charity Williams.

6           What says the State?

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

9           THE CLERK: You have been excused.

10          Juror 135, Tamaiya Tate.

11          What says the State?

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

14          THE CLERK: You have been excused.

15          Juror 50, Rhonda Gregory.

16          What says the State?

17          MS. LESKANIC: Please present the juror.

18          THE CLERK: What says the defense?

19          MR. MORIN: Please swear the juror.

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

21          Oh, I'm sorry.

22          Ms. Racine?

23          MS. RACINE: Please seat the juror.

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

1 Juror 46, Mark Giles.

2 What says the State?

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

5 THE CLERK: You have been excused.

6 Juror 101, John Powell.

7 What says the State?

8 MS. LESKANIC: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. MORIN: Please seat the juror.

11 THE CLERK: Ms. Racine?

12 MS. RACINE: Please seat the juror.

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

14 Juror 107, Linda Ramsey.

15 What says the State?

16 MS. LESKANIC: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. MORIN: Please excuse the juror.

19 THE CLERK: You have been excused.

20 Juror 86, Ruby Mickles.

21 What says the State?

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

24 THE CLERK: You have been excused.

25 Juror 109, Albert Revels.

1                   What says the State?

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

4                   THE CLERK: You have been excused.

5                   Juror 96, Roy Petty.

6                   What says the State?

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

9                   THE CLERK: You have been excused.

10                  Juror 148, Carrie Wyatt.

11                  What says the State?

12                  MS. LESKANIC: Please present the juror.

13                  THE CLERK: What says the defense?

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

16                  THE CLERK: You have been excused.

17                  Juror 142, Raymond Vitellaro.

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

20                  THE CLERK: 142.

21                  What says the State?

22                  MS. LESKANIC: Please present the juror.

23                  THE CLERK: What says the defense?

24                  MR. MORIN: Please swear the gentleman.

25                  THE CLERK: Ms. Racine?

1 MS. RACINE: Please present the juror.

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

3 Juror 110, Charles Reynolds, Jr..

4 What says the State?

5 MS. LESKANIC: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. MORIN: Please swear the juror.

8 THE CLERK: Ms. Racine?

9 MS. RACINE: Please present the juror.

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

11 Juror 78, Karen Martin.

12 What says the State?

13 MS. LESKANIC: Please present the juror.

14 THE CLERK: What says the defense?

15 MR. MORIN: Please excuse the juror.

16 THE CLERK: You have been excused.

17 Juror 82, Amber Mccullough.

18 What says the State?

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

21 THE CLERK: You have been excused.

22 Juror 95, Samantha Perkins.

23 What says the State?

24 MS. LESKANIC: Please present the juror.

25 THE CLERK: What says the defense?

1 MR. MORIN: Please swear the juror.

2 THE CLERK: Ms. Racine?

3 MS. RACINE: Please swear the juror.

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

5 Juror 114, Shawn Ricci.

6 What says the State?

7 MS. LESKANIC: Please excuse the juror from

8 service in this case.

9 THE CLERK: You have been excused.

10 Juror 4, Pauline Bell.

11 What says the State?

12 MS. LESKANIC: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. MORIN: Please excuse the juror.

15 THE CLERK: You have been excused.

16 Juror 105, Debra Ramsey.

17 What says the State?

18 MS. LESKANIC: Please present the juror.

19 THE CLERK: What says the defense?

20 MR. MORIN: Please seat the juror.

21 THE CLERK: Ms. Racine?

22 MS. RACINE: Please present the juror.

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

24 Juror 106, Lewis Ramsey.

25 What says the State?

1 MS. LESKANIC: Please present the juror.

2 THE CLERK: What says the defense?

3 MR. MORIN: Please swear the juror.

4 THE CLERK: Ms. Racine?

5 MS. RACINE: Please excuse this juror.

6 THE CLERK: You have been excused.

7 Juror 53, Michael Harris.

8 What says the State?

9 MS. LESKANIC: Please present the juror.

10 THE CLERK: What says the defense?

11 MR. MORIN: Please swear the juror.

12 THE CLERK: Ms. Racine?

13 MS. RACINE: Please excuse the juror.

14 THE CLERK: You have been excused.

15 Juror 10, Joe Bright.

16 What says the State?

17 MS. LESKANIC: Please present the juror.

18 THE CLERK: What says the defense?

19 MR. MORIN: Please present the juror.

20 THE CLERK: Ms. Racine?

21 MS. RACINE: Please present the juror.

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

23 Juror 13, Barbara Camp.

24 What says the State?

25 MS. LESKANIC: Please present the juror.

1 THE CLERK: What says the defense?

2 MR. MORIN: Please swear the juror.

3 THE CLERK: Ms. Racine?

4 MS. RACINE: Please present the juror.

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

6 Juror 123, Danny Scruggs.

7 What says the State?

8 MS. LESKANIC: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. MORIN: Please swear the juror.

11 THE CLERK: Ms. Racine?

12 MS. RACINE: Please excuse the juror.

13 THE CLERK: You have been excused.

14 Juror 27, Eugene Cruz.

15 What says the State?

16 MS. LESKANIC: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. MORIN: Please swear the juror.

19 MS. RACINE: Please swear the juror.

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

21 Juror 126, David Shelton.

22 What says the State?

23 MS. LESKANIC: Please present the juror.

24 THE CLERK: What says the defense?

25 MR. MORIN: Please swear the juror.

1 MS. RACINE: Please present the juror.

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

3 Juror 99, Sara Rogers.

4 What says the State?

5 MS. LESKANIC: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. MORIN: Please swear the juror.

8 MS. RACINE: Please present the juror.

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

10 Juror 40, Sherri Fipps.

11 What says the State?

12 MS. LESKANIC: Please present the juror.

13 THE CLERK: What says the defense?

14 MR. MORIN: Please swear the juror.

15 MS. RACINE: Please present the juror.

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

17 The next juror will be for alternate 1.

18 Juror 81, Adara McClure.

19 What says the State?

20 MS. LESKANIC: Please present the juror.

21 THE CLERK: What says the defense?

22 MR. MORIN: Please swear the juror.

23 MS. RACINE: Please present the juror.

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

25 Juror 111, Lisa Reynolds.

1 What says the State?

2 MS. LESKANIC: Please present the juror.

3 THE CLERK: What says the defense?

4 MR. MORIN: Please excuse the juror.

5 THE CLERK: You have been excused.

6 Juror 88, Christian Flores.

7 What says the State?

8 MS. LESKANIC: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. MORIN: Please swear the juror.

11 THE CLERK: Ms. Racine?

12 MS. RACINE: Please excuse the juror.

13 THE CLERK: You have been excused.

14 Juror 15, Amanda Carlton.

15 What says the State?

16 MS. LESKANIC: Please present the juror.

17 THE CLERK: What says the defense?

18 MR. MORIN: Please excuse the juror.

19 THE CLERK: You have been excused.

20 Juror 70, Wanda Jones.

21 What says the State?

22 MS. LESKANIC: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. MORIN: Please sweat the juror.

25 MS. RACINE: Please excuse the juror.

1 THE CLERK: You have been excused.

2 Juror 2, Magdalena Alcantara.

3 What says the State?

4 MS. LESKANIC: Please present the juror.

5 THE CLERK: What says the defense?

6 MR. MORIN: Please swear the juror.

7 THE CLERK: Ms. Racine?

8 MS. RACINE: Please present the juror.

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

10 THE COURT: Any matters from the State?

11 Any matters from defense?

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

13 MR. MORIN: No, sir.

14 MS. RACINE: No, sir.

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

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

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

22 JURY PANEL: (Collectively said I do).

23 THE CLERK: You may be seated.

24 THE COURT: Thank you.

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

1 serve as a foreperson on this jury?

2 JUROR NUMBER 101: Yes, sir.

3 THE COURT: All right. Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (Whereupon, proceedings were recessed)

11 (Whereupon, proceedings were reconvened).

12 THE COURT: Everybody ready?

13 MS. LESKANIC: Yes, Your Honor.

14 MR. KENDALL: Yes.

15 MR. MORIN: Yes, Your Honor.

16 THE COURT: We will have the jury.

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

19 THE COURT: Thank you.

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

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

1 innocent of the allegations contained in the indictments.

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

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

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

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

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

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

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

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

25 It is important that you perform your duty of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16           Anything from the State?

17           MS. LESKANIC: No, Your Honor.

18           THE COURT: From the defense?

19           MR. MORIN: No, sir.

20           MS. RACINE: No, sir.

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

22           MS. LESKANIC: May it please the court?

23           THE COURT: Yes, ma'am.

24           MS. LESKANIC: Thank you, Your Honor.

25           Good afternoon, ladies and gentlemen. I

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

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

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

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

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

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

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

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

25 During that encounter Rajshun Foster was trying to

1 get Timothy Blair to fight him. Timothy wouldn't do it;  
2 head down, walked away, doesn't want to fight, and Franklin  
3 Dover yells out, and several witnesses hear, "I'll get you  
4 one way or the other," and within 30 minutes Timothy Blair  
5 had been shot and killed behind Apartment 51.

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

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

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

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

1 people that are over in Mcentire Mobile Home Park and the  
2 four of them drive back to Connecticut Village. Now,  
3 Rajshun is driving the car. He drops off Franklin Dover and  
4 another man, Terence Studyvance, at a wooded path that leads  
5 down to Connecticut Village to Apartment 51 where Timothy  
6 Blair was killed. He drops them off, knowing they have an  
7 assault-type rifle, a gun, and a plan to kill Timothy Blair.  
8 Rajshun then drives deeper into the village with a man by  
9 the name of Antron Bonner. You are going to hear from Mr.  
10 Bonner. He's going to testify and tell you what he saw that  
11 day, what he witnessed from the time they came back to  
12 Mcentire Mobile Home Park and all got into one vehicle to  
13 commit this murder.

14 So Franklin Dover, armed with the assault rifle,  
15 goes down the wooded path to sneak in behind Apartment 51  
16 where Timothy Blair stays with his girlfriend, and Rajshun  
17 Foster drives back into Connecticut Village. He sees  
18 Timothy Blair again when he's in the village. He gets out,  
19 approaches him again and has words with him and again  
20 Timothy will not fight. He just walks away. But this time  
21 when he walked away, he walked to the back door of the  
22 apartment where he would always go in and Frank Dover was  
23 waiting and shot him one time in the chest.

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

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

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

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

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

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

10 THE COURT: Ms. Racine?

11 MS. RACINE: Thank you, Your Honor.

12 May it please the court?

13 THE COURT: Yes, ma'am.

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

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

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

1 course of the trial; presumed innocent.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 THE COURT: Solicitor.

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

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

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

11 THE WITNESS: I do.

12 THE CLERK: Okay. Watch your step.

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

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

17 THE COURT: Thank you.

18 Solicitor.

19 DIRECT EXAMINATION BY MR. KENDALL:

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

21 A. I work for Sprint.

22 Q. And where is that out of?

23 A. Overland Park, Kansas.

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

25 A. Since 2009.

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

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

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

7 A. I do.

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

9 A. This is subscriber information and call detail records  
10 for telephone number (864) 425-2314.

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

14 A. It is.

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

17 MR. MORIN: No objection.

18 MS. RACINE: No objection.

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

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

23 BY MR. KENDALL:

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

1 the normal ordinary course of business?

2 A. They are.

3 Q. And included in those records are you able to identify  
4 who the subscriber associated with that phone number was? I  
5 believe the phone number was 425-2314, is that correct?

6 A. That's correct.

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

8 A. Yes.

9 Q. And who was that subscriber?

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

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

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

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

21 Q. All right.

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

25 THE COURT: Yes, sir.

1 BY MR. KENDALL:

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

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

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

7 THE COURT: Yes.

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

9 (Witness off the witness stand).

10 BY MR. KENDALL:

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

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

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

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

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

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

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

23 Q. All right. And next to that?

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

1 phone call.

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

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

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

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

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

8 A. If that number received a phone call.

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

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

16 Q. Okay. All right.

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

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

22 Q. Okay. And end time?

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

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

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

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

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

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

7 Q. Okay. And NEID?

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

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

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

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

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

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

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

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

1 A. It's a TMA network.

2 Q. Okay.

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

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

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

11 Q. Okay.

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

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

17 A. It is.

18 Q. Okay.

19 (Witness back on the witness stand).

20 BY MR. KENDALL:

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

23 A. That's correct.

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

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

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

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

8 A. That's correct.

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

11 A. I do.

12 Q. And what is that?

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

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

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

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

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

1 Q. And does that represent a fair and accurate --  
2 Were those the records that were provided to us kind of  
3 in preparation for this case?

4 A. Yes.

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

8 A. Yes.

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

11 MR. MORIN: No objection.

12 MS. RACINE: No objection.

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

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

17 BY MR. KENDALL:

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

20 THE COURT: Yes.

21 THE WITNESS: Thank you, Your Honor.

22 (Witness off the witness stand).

23 BY MR. KENDALL:

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

1           What are the cells?

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

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

7           Q.    Okay. And Cascade ID?

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

12          Q.    And switch?

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

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

17          A.    Yes.

18          Q.    And NEID?

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

22          Q.    And repoll?

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

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

1 and latitude?

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

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

8 A. That's correct.

9 Q. And then we have the BTS Manufacturer?

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

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

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

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

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

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

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

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

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

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

8 A. That's correct.

9 (Witness back on the witness stand).

10 BY MR. KENDALL:

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

14 A. That's correct.

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

17 THE COURT: Yes, sir.

18 CROSS EXAMINATION BY MR. MORIN:

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

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

24 A. Yes.

25 Q. Was Sprint asked to get any other subscriber

1 information that you are aware of?

2 A. I do not know.

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

5 A. That actually I don't know.

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

8 A. That's right.

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

11 A. (No response).

12 Q. Not sure?

13 A. Well --

14 Q. Go ahead.

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

17 Q. Fair enough. Okay.

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

21 A. Yes.

22 Q. Different numbers?

23 A. Yes.

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

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

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

4 A. I do not know.

5 Q. All right.

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

9 A. CMA.

10 Q. CMA.

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

12 A. That's correct.

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

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

17 Q. Uh-huh.

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

20 Q. Okay. All right.

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

24 A. That's right.

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

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

3 A. That's possible.

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

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

8 Q. Correct, but the --

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

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

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

13 Well -- anything?

14 REDIRECT EXAMINATION BY MR. KENDALL:

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

18 A. No.

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

22 A. That's correct.

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

1 A. That's right.

2 Q. Is that fair to say?

3 A. Yes.

4 MR. KENDALL: Nothing further, Your Honor.

5 THE COURT: Anything else?

6 MR. MORIN: No, sir.

7 MS. RACINE: No, sir.

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

10 THE WITNESS: Thank you, Your Honor.

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

13 MR. MORIN: No objection.

14 MS. RACINE: No objection.

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

17 Anything?

18 MS. LESKANIC: No.

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

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

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

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

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

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

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

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

19 MR. MORIN: No, sir.

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

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

24

25