

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 JENNIFER SPIVEY FOLEY, as Personal)
 Representative of the Estate of SCOTT)
 RYAN SPIVEY,)
)
 Plaintiff,)
)
 v.)
)
 CHARLES WELDON BOYD and)
 KENNETH WILLIAMS,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FIFTHTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2024-CP-26-03798

**ORDER COMPELLING
 PRODUCTION BY SOUTH CAROLINA
 LAW ENFORCEMENT DIVISION**

This matter comes before the Court upon Plaintiff’s Motion to Compel Compliance with Subpoena directed to the South Carolina Law Enforcement Division (“SLED”) dated October 21, 2024, as well as and Plaintiff’s Subpoenas to SLED dated January 30, 2026. The Court, having reviewed the Motion, the subpoenas, and the arguments of counsel, and being fully advised, hereby finds and orders as follows:

1. Plaintiff argues that SLED has certain information and/or data in its possession, custody or control that may identify the speed of the vehicles on September 9, 2023, which is relevant to questions before this Court. The information from the Defendants’ phones was downloaded by SLED with the consent of the Defendants as it was created on or after September 9, 2023. Plaintiff’s second subpoena dated January 30, 2026, related to Scott Spivey’s phone that was submitted to SLED by the consent of the Plaintiff also seeking speed information. Plaintiff also argues that SLED may have data related to Facebook Messenger messages between the two Defendants that they deleted, which was created on or after September 9, 2023.

2. The Defendants do not consent to the production of the information downloaded from their phones to Plaintiff. The Defendants do concede that any speed information is relevant information, if it exists. Nonetheless, the Defendants do not concede that the deleted Facebook Messenger messages are relevant or even relate to the matters in this case.

3. SLED has advised the Court that it can provide certain reports containing location, GPS, and speed data (if any speed data was collected) for Scott Spivey's phone and Kenneth Williams' phone if ordered by the Court.

4. SLED also has advised the Court regarding the Facebook Messenger data, it will attempt to use its software to pull any data captured on the Defendants' phones from the dates of September 9, 2023, until September 13, 2023, if ordered by the Court, but believes that it is unlikely that the actual messages or any actual content will be available or accessible from the data downloaded from the Defendants' phones.

5. The Court finds that the information sought is relevant and reasonably calculated to lead to the discovery of admissible evidence and that the production of this information is appropriate pursuant.

6. The Defendants request that any information produced by SLED pursuant to this Court's order be treated as confidential according to the terms of the Consent Order. Plaintiff does not concede that any of this information is confidential or should be treated as such, but in the interest of time will agree to treat the information as confidential under the Court rules on the issue.

IT IS THEREFORE ORDERED:

- a) SLED shall generate and produce a report containing location, GPS, and speed data (if any speed data was collected) from the mobile phone associated with Defendant Kenneth Williams for the time period 5:35 p.m. through 6:00 p.m. on September 9, 2023.
- b) SLED shall generate and produce a report containing location, GPS, and speed data (if any speed data was collected) from the mobile phone associated with Scott Spivey for the time period 5:35 p.m. through 6:00 p.m. on September 9, 2023.
- c) SLED shall make a reasonable, good-faith effort using its forensic software to attempt to extract any Facebook Messenger messages or data captured on either Defendants' devices **that may show those deleted messages** for the period September 9, 2023, through September 13, 2023. If any content is recovered, it shall be produced. If no information related to the deleted messages is available, SLED shall report it searched but the information was not there.
- d) SLED shall produce all of this information as soon as possible, but not later than five (5) days from entry of this Order

- e) Production shall be made to ALL counsel in electronic format, unless otherwise agreed by the parties. The information shall be treated as confidential until otherwise ruled on by the Court.

IT IS SO ORDERED.

Eugene C. Griffith, Jr.
Circuit Court Judge

FITSNEWS



Horry Common Pleas

Case Caption: Jennifer Spivey Foley , plaintiff, et al VS Charles Weldon Boyd ,
defendant, et al
Case Number: 2024CP2603798
Type: Order/Compel

It is so ordered

Eugene C. Griffith, Jr. 2154

Electronically signed on 2026-02-06 14:35:15 page 4 of 4