

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

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

JENNIFER SPIVEY FOLEY, as Personal)
Representative of the Estate of SCOTT)
RYAN SPIVEY,)

Plaintiff,)

v.)

CHARLES WELDON BOYD and)
KENNETH WILLIAMS,)

Defendants.)

**PLAINTIFF’S MOTION TO COMPEL
TO SOUTH CAROLINA LAW
ENFORCEMENT DIVISION**

TO: ADAM WHITSETT, ESQUIRE AND SOUTH CAROLINA LAW ENFORCEMENT
DIVISION (“SLED”)

YOU WILL PLEASE TAKE NOTICE THAT the Plaintiffs, by and through their undersigned attorney, hereby move, for an immediate Order compelling and directing SLED to produce any and all materials and data in their possession collected from the Defendants’ devices.

On November 18, 2023, both defendants, Charles Weldon Boyd and Kenneth Bradley Williams, consented to and authorized agents from SLED to search and gather the information that existed on their cell phones and on one tablet device in connection with a criminal investigation (Exhibit A, B, and C). The Defendants further consented to SLED’s Forensics Services laboratory providing investigating law enforcement officers (the form notes: SLED and Horry County Police Department) with certain limited information as outlined in the consent forms. Despite the limitation on the SLED lab only providing certain information to investigating officers, the consent form clearly did not limit the fact that the Defendants consented to SLED, the agency itself, searching and gathering the information that was on these devices.

The Plaintiff served SLED with a valid subpoena dated October 21, 2024, and which required, among other things, that SLED produce a “complete copy of any and all file materials collected [by the agency] in SLED File #33-23-0112” (Exhibit D). Yesterday, for the first time, Plaintiff learned that SLED possesses all of the information it downloaded from the devices pursuant to the consent forms. The Plaintiff’s has taken the position that the subpoena requested everything that was collected by and in possession of SLED, including all of the raw data extracted from the phones and the tablet regardless of any limitation on what SLED’s Laboratory provided to investigating officers. This is especially true since no party to the civil case moved to quash the subpoena nor has anyone moved for a protective order, including SLED. Further, the response by SLED to the original subpoena did not indicate that any additional information was within the custody and control of SLED or that any data was being withheld or even existed.

As of yesterday, SLED confirmed the information and raw data it possesses includes information that was not in its response to the subpoena or provided to investigating officers because the information goes beyond the scope of the limitations contained in the consent forms. To be clear, in addition to information that has been produced by SLED, SLED currently has everything that downloaded from the devices. After consultation with SLED, Plaintiff is informed that SLED does not dispute that the materials it has are relevant and likely to lead to the discovery of admissible information in this civil case.

Nonetheless, the agency’s position is that although it does not object to production, it cannot willingly produce the information without a court in order to safeguard the information and insure its ability to use the information in the future, should it be relevant or necessary.

Accordingly, Plaintiff asks the Court to inquire into these matters and issue an immediate Order directing SLED to produce any and all materials and data it possesses collected from the

Defendant's devises.

GOODING AND GOODING, P.A.

BY: s/Mark B. Tinsley

Mark B. Tinsley, SC Bar #15597
H. Woodrow Gooding, SC Bar #2180
P.O. Box 1000
Allendale, SC 29810
(803) 584-7676

-and-

Natasha M. Hanna – SC Bar #70198
Law Ofc. of Natasha M. Hanna, P.C.
4712 Jenn Dr., Suite A
Myrtle Beach, SC 2957

Attorneys for Plaintiff

January 28, 2026



South Carolina Law Enforcement Division

Consent to Search Cell Phone/Electronic Device

ELECTRONICALLY FILED - 2026 Jan 28 5:09 PM - Horry - COMMON PLEAS - CASE#2024CP2603798

I, Charles Weldon Boyd, hereby authorize Agents from the State Law Enforcement Division to search and gather information from my cell phone/electronic device in connection with a criminal investigation.

The SLED Forensics Services Laboratory will provide investigating law enforcement officers (SLED and Horry County Police Department) with the following information:

- a. All data created on or after September 9, 2023.
- b. Any phone call activity log or text message to 910-625-7936 (Scott Spivey), regardless of date of call or text.
- c. Exclude the content of any written communication between Boyd and Attorney Kenneth Moss (843-421-6735 & 910-640-7499) or Boyd and Attorney Heather Von Herrmann (843-446-1587).
- d. Exclude the content of any written communication between Boyd and Kenneth Bradley Williams that relay legal advice or direction from either Attorney Kenneth Moss or Attorney Robert Lee.

My device's cell service carrier is: Verizon

My device's cell number is: 843-858-6784

My device's password(s) are: swipe pattern, see back

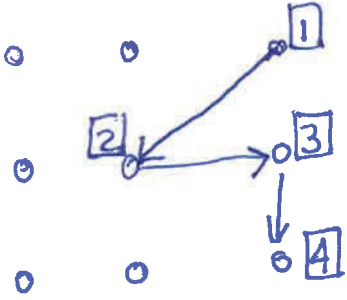
Signed: [Signature] Date: 11/18/23

Witness: [Signature] Witness: _____
Date: 11/18/23 Date: _____

SLED Case Number: 33-23-0112

Case Agent: S/A Nathan Poston

Exhibit A



FITSNEWS

Phone seized on 11/21/23 @ 2:22pm from Kenneth Moss
628A Sea Mountain Hwy, NMB



South Carolina Law Enforcement Division

Consent to Search Cell Phone/Electronic Device

ELECTRONICALLY FILED - 2026 Jan 28 5:09 PM - HORRY - COMMON PLEAS - CASE#2024CP2603798

I, Charles Weldon Boyd, hereby authorize Agents from the State Law Enforcement Division to search and gather information from my cell phone/electronic device in connection with a criminal investigation.

The SLED Forensics Services Laboratory will provide investigating law enforcement officers (SLED and Horry County Police Department) with the following information:

- a. All data created on or after September 9, 2023.
- b. Any phone call activity log or text message to 910-625-7936 (Scott Spivey), regardless of date of call or text.
- c. Exclude the content of any written communication between Boyd and Attorney Kenneth Moss (843-421-6735 & 910-640-7499) or Boyd and Attorney Heather Von Herrmann (843-446-1587).
- d. Exclude the content of any written communication between Boyd and Kenneth Bradley Williams that relay legal advice or direction from either Attorney Kenneth Moss or Attorney Robert Lee.

My device's cell service carrier, if applicable, is: _____

My device's cell number, if applicable, is: _____

My device's password(s) are: _____

Signed: [Signature] Date: 11/18/23

Witness: [Signature] Witness: _____
Date: 11/18/23 Date: _____

SLED Case Number: 33-23-0112

Case Agent: S/A Nathan Poston

FITSNEWS

tablet siezed on 11/21/23 @ 2:22pm. from Kenneth Moss
628A Sea Mountain Hwy, NMB



South Carolina Law Enforcement Division

Consent to Search Cell Phone/Electronic Device

ELECTRONICALLY FILED - 2026 Jan 28 5:09 PM - HORRY - COMMON PLEAS - CASE#2024CP2603798

I, Kenneth Bradley Williams, hereby authorize Agents from the State Law Enforcement Division to search and gather information from my cell phone/electronic device in connection with a criminal investigation.

The SLED Forensics Services Laboratory will provide investigating law enforcement officers (SLED and Horry County Police Department) with the following information:

- a. All data created on or after September 9, 2023.
- b. Any phone call activity log or text message to 910-625-7936 (Scott Spivey), regardless of date of call or text.
- c. Exclude the content of any written communication between Williams and Attorney Robert E. Lee (843-992-3598) or Attorney Kenneth Moss (843-421-6735 & 910-640-7499).
- d. Exclude the content of any written communication between Williams and Charles Weldon Boyd that relay legal advice or direction from either Attorney Kenneth Moss or Attorney Robert Lee.

My device's cell service carrier is: AT&T

My device cell number is: 843-618-1348

My device's password(s) are: no password

Signed: [Signature] Date: 11-18-23

Witness: [Signature] Witness: 11-18-23

Date: 11-18-23 Date: _____

SLED Case Number: 33-23-0112

Case Agent: S/A Nathan Poston

FITSNEWS

phone siezed on 11/21/23@ 2:22pm from Kenneth Moss
628 A Sea Mountain Hwy, NMB

STATE OF SOUTH CAROLINA

ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF RICHLAND

Jennifer Spivey Foley, as Personal Representative of the Estate of Scott Ryan Spivey, Plaintiff

v.

Charles Weldon Boyd and Kenneth Williams, Defendant

SUBPOENA IN A CIVIL CASE

Case Number: 2024-CP-26-03798

Pending in Horry County

TO: SOUTH CAROLINA LAW ENFORCEMENT DIVISION
4400 BROAD STREET
COLUMBIA, SC 29210

[] YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

Table with 2 columns: PLACE OF TESTIMONY, COURTROOM; DATE AND TIME, AM

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

Table with 2 columns: PLACE OF DEPOSITION, DATE AND TIME, AM

[x] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

SEE ATTACHMENT "A"

Table with 2 columns: PLACE (Gooding and Gooding, P.A., PO Box 1000, Allendale, SC 29810, 803-584-7676), DATE AND TIME (Thursday, October 31, 2024, 10:00 AM)

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

Table with 2 columns: PREMISES, DATE AND TIME, AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Signature of Mark B. Tinsley, Date 10/21/2024, Print Name Mark B. Tinsley

EXHIBIT D

ELECTRONICALLY FILED - 2026 Jan 28 5:09 PM - Horry - COMMON PLEAS - CASE#2024CP2603798

Attorney's Address and Telephone Number :
Gooding and Gooding, PA
PO Box 1000/265 Barnwell Highway
Allendale, SC 29810
803-584-7676

Clerk of Court/Issuing Officer's Signature

Date

Print Name

Pro Se Litigant's Name, Address and Telephone Number :

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

EXHIBIT D

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

EXHIBIT D

EXHIBIT "A"
SUBPOENA TO SOUTH CAROLINA LAW ENFORCEMENT DIVISION

SLED File# 33-23-0112

1. A complete copy of any and all file materials collected in SLED File #33-23-0112 regarding the investigation of the incident which occurred in the Loris area of Horry County, South Carolina, on September 9, 2023, involving Charles Weldon Boyd, Kenneth Williams and Scott Spivey, deceased, including but not limited to, documents, reports, notes, diagrams, interviews, video recordings, audio recordings, drawings, investigations, evidence sheets, and the investigative file maintained by Captain Glenn Wood, SLED Agent Nathan Poston or any other investigator with the South Carolina Law Enforcement Division.
2. A complete copy of all written or recorded statements in SLED File #33-23-0112 of Charles Weldon Boyd and/or Kenneth Williams which relate to the incident which occurred in the Loris area of Horry County, South Carolina, on September 9, 2023, involving Charles Weldon Boyd, Kenneth Williams and Scott Spivey, deceased.
3. A complete copy of all written or recorded statements in SLED File #33-23-0112 of any and all witnesses which relate to the incident which occurred in the Loris area of Horry County, South Carolina, on September 9, 2023, involving Charles Weldon Boyd, Kenneth Williams and Scott Spivey, deceased.
4. Any and all color reproduced copies of photographs taken by or on behalf of SLED in SLED File #33-23-0112 which relate to the incident which occurred in the Loris area of Horry County, South Carolina, on September 9, 2023, involving Charles Weldon Boyd, Kenneth Williams and Scott Spivey, deceased.
5. Any and all documents related in SLED File #33-23-0112 to search warrants executed against or upon any persons or businesses related to the incident which occurred in the Loris area of Horry County, South Carolina, on September 9, 2023, involving Charles Weldon Boyd, Kenneth Williams and Scott Spivey, deceased., including, but not limited to, actual search warrants, search warrant affidavits, search warrant returns, chain of custody for items obtained from the execution of said search warrants, and photos of items obtained.