

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.)

PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR RULE TO SHOW CAUSE

CHARLES WELDON BOYD and)
KENNETH WILLIAMS,)

Defendants.)

PLEASE TAKE NOTICE that Plaintiff, by and through her undersigned counsel, hereby moves the Court pursuant to Rule 37(b)(2), SCRCF, for a Rule to Show Cause: why Defendants should not be held in contempt of court for failing to obey this Court's Order of November 21, 2025, requiring Defendant Boyd to respond to Plaintiff's 1st Interrogatories and 2nd Requests for Production and Defendant Williams to respond to Plaintiff's 1st Interrogatories and 1st Requests for Production within 10 days of the Order; why Defendants' failure to obey the Court's Order should not be taken to establish and result in a finding that Defendants did in fact knowingly delete Facebook messages/chats/posts in order to destroy relevant evidence and keep it from Plaintiff because the material was adverse to Defendants' "Stand Your Ground" claim; why this knowing destruction does not call into question the credibility of the Defendants; why Defendants should not pay Plaintiff's attorney's fees and costs related to this motion; and for such other relief as the Court may deem just and proper. This Motion is based upon the following grounds:

- a) On September 13, 2023, at 12:30:24 p.m., after learning that Defendants' phones were to be seized by authorities, Defendant Weldon Boyd recorded a conversation

between himself and Defendant Kenneth Williams. During that call, Boyd told Williams:

“Hey, a couple of things. Um, go back on Facebook and just delete our chat again between you and I and then if they ask, me and you just talked through the JR, me, [and] you [] chat¹, or we text or call each other.”

Williams then confirms, “Okay, but just delete the Facebook convo.”

Boyd says, “Yeah”.

Boyd then explains that “this is the [Spivey] family [asking these questions]. The family is doing all they can.” Id.

Towards the end of the call, Boyd again instructs Williams “so just delete that one thing and then we’ll let you know what to do.”

Williams replies “Alright.”

(Audio File 184361181348_1 1694622363232, p. 1, ll. 2-4; p. 2, ll. 29-30; p. 2, l. 42; p. 3, ll. 54-55, Exhibit 1 – Transcript, the Court will be emailed the call.)

- b) On February 10, 2025, in his deposition taken in this matter, Weldon Boyd testified as follows:

Q. Okay. Did you have any conversations with Bradley from the minute the shooting stops to the day about deleting anything off your phones, off your messages, off of any device?

A. Where is something where I discussed deleting stuff?

Q. I just asked you the question. From the minute the shooting stops to today, have you ever had a conversation with him where he told you to delete it or you told him to delete anything?

A. I do not recall.

Q. Okay. Would you delete stuff?

A. Not -- there wasn't anything to delete.

¹ Apparently, JR Hooks is a mutual friend of both defendants and there is a separate group chat between the three of them but that chat is distinct from the chat that is the subject of this Motion which is solely between the Defendants.

Q. Okay. The only reason that somebody would delete something, would you agree with me, is if they had something to hide?

MR. MOSS: Object to the form.

THE DEPONENT: Or if I'd already turned it over and it was irrelevant to have on my phone anymore.

(Boyd Dep., pp. 95-96, ll. 11-7, Exhibit 2).

Boyd further claimed that he did not “know if [he] did or didn’t” tell Kenneth Williams to delete anything from their phones, off their messages or off of any device *(Boyd Dep., p. 96, l. 21, Exhibit 2).*

- c) On February 10, 2025, Kenneth Williams also was deposed in this matter and testified under oath that after Weldon Boyd told him to delete their Facebook messages on Messenger, he “just delete[d] the Messenger” *(Williams Dep., p. 12, ll. 5-10, Exhibit 3)*. Williams recalled the conversation with Boyd “because I mean, I deleted the messenger afterwards” *(Williams Dep., p. 13, ll. 10-11, Exhibit 3)*. When asked what they discussed Williams claimed “there’s no telling [what they talked about on Messenger]. I don’t know” *(Williams Dep., p. 12, ll. 11-13, Exhibit 3)*
- d) On March 20, 2025, in pertinent part, Defendant Boyd was duly served with Plaintiff’s 2nd Requests for Production, in accordance with Rule 34 of the South Carolina Rules of Civil Procedure that specifically requested Boyd to produce (1) any and all deleted photographs, messages, chats, and or posts from Facebook accounts utilized or accessed by him from September 9, 2023, to present; and (2) produce any and all deleted “chats/conversation” in Facebook Messenger accounts utilized or accessed by the Defendant from September 9, 2023, to present, including but not limited to chats or messages between the Defendants.
- e) On March 20, 2025, Defendant Williams was duly served with Plaintiff’s 1st Requests for Production, in accordance with Rule 34 of the South Carolina Rules of Civil Procedure that specifically requested Williams to produce (1) any and all deleted photographs, messages, chats, and or posts from Facebook accounts utilized or accessed by him from September 9, 2023, to present; and (2) produce any and all deleted “chats/conversation” in Facebook Messenger accounts utilized or accessed by the Defendant from September 9, 2023, to present, including but not limited to chats or messages between the Defendants.
- f) Defendants failed to answer the discovery requests described above.

- g) On May 2, 2025, Plaintiff filed her Notice of Motion and Motion to Compel requiring both Defendants to answer the discovery requests described above and produce the deleted messages.
- h) On November 17, 2025, a hearing was held on a number of motions, including Plaintiff's Motion to Compel described herein, and the Court issued its Form 4 Order filed November 21, 2025, ordering Defendants to respond to Plaintiff's discovery requests described above within 10 days of the date of the Order.
- i) To date, Defendants have failed and refused to obey the Court's Order by providing responses to Plaintiff's discovery requests. Defendants' counsels have indicated their expert cannot recover the deleted messages from the respective accounts on Facebook Messenger at this time.

Accordingly, Plaintiff respectfully requests that this Court issue a Rule to Show Cause why Defendants should not be held in contempt of court for failing to comply with the Court's Order in this matter; why Defendants' failure to obey the Court's Order should not be taken to establish and result in a finding that Defendants did in fact knowingly delete Facebook their messages/chats/posts to destroy relevant evidence and keep it from Plaintiff because the material was adverse to Defendants' "Stand Your Ground" claim; for attorney's fees and costs related to this motion; and for such other relief as the Court may deem just and proper.

GOODING AND GOODING, P.A.

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January 27, 2026

Attorneys for Plaintiff

Kenneth Williams ([00:13](#)):

1 Hello.

Charles Weldon Boyd ([00:14](#)):

2 Hey, a couple of things. Um, go back on Facebook and just delete our
3 chat again between you and I and then if asked me and you just talked
4 through the JR, me, [and] you [] chat, or we text or call each other.
5 Second thing is the upper and lower were separated and the only reason
6 we had the lower with us was because we were going to put a different
7 trigger in it that night. The last thing is the family's furious that they
8 didn't seize their phones. So Ken's trying to work it out. The superiors are
9 saying, well, we're going to need to do a data dump. And Ken's telling
10 them that they're not privy to a data dump. So there's a war over the
11 phones right now. What Ken's trying to work out is because the family's
12 saying that there's pictures we withheld from the investigation, which is
13 a lie. So Ken's trying to arrange it where the detective can just, we hand
14 our phone to the detective, he can look through and check, make sure all
15 the pictures that we got are the ones that he was given to, which they
16 were. But Ken's going to fight them on this data dump shit because our
17 internet search history, our banking information, all that other crap is
18 none of their business.

Kenneth Williams ([01:42](#)):

19 Yeah. Okay. So as far as the pictures, do they have the pictures that you took?

Charles Weldon Boyd ([01:46](#)):

20 Yeah, there's a few that they don't have, but I explained to Ken it's because
21 the truck a hundred yards ahead of us in blurry. It's not relevant. There's
22 nothing But

Kenneth Williams ([01:55](#)):

23 I'm talking about after the incident.

Charles Weldon Boyd ([01:57](#)):

24 Yes. They got the picture where he slumped over. Ken had all that.

Kenneth Williams ([02:01](#)):

25 Okay. Okay. So I ain't going to worry about deleting those.

Charles Weldon Boyd ([02:03](#)):

26 No, no. I wouldn't delete any pictures. I, and we provided what were relevant. If they
27 say, well, we wanted the picture of the truck a hundred yards up the road also. Okay,
28 well there it is. I didn't delete it.

Kenneth Williams ([02:18](#)):

29 Okay, but just delete the Facebook convo.

Charles Weldon Boyd ([02:22](#)):

30 Yeah, and then just say that we were going to put a trigger in the lower, and that upper
31 was there. We just had to can on it. I mean just it was separated. That gun had not been
32 assembled. You can have a lower and an upper ready to go with the intention of filing
33 for a form one and not assemble 'em. Right.

Kenneth Williams ([02:50](#)):

34 Yeah. It's just that nitty gritty attempt to

Charles Weldon Boyd ([02:55](#)):

35 Yeah,

Kenneth Williams ([02:58](#)):

36 That was the issue was it was not in SBR configuration, it was not together, but they're
37 right beside each other. I mean, they're in the same compartment, same place.

Charles Weldon Boyd ([03:10](#)):

38 Yeah. We'll be able to fight that off. Then they were, the family was furious about, some
39 of the cops were even confused that we had flash bangs and that was a crime. And the
40 detective was told those are not real flash] bangs. Those are airsoft fireworks

Kenneth Williams ([03:33](#)):

41 They say on there, they're labeled that way.

Charles Weldon Boyd ([03:36](#)):

42 So this is the family. The family is doing all they can.

Kenneth Williams ([03:43](#)):

43 But I mean, all I got to say is we play Airsoft. I mean,

Charles Weldon Boyd ([03:45](#)):

44 Yeah, we got Airsoft guns

Kenneth Williams ([03:47](#)):

45 And we do

Charles Weldon Boyd ([03:50](#)):

46 So, and Ken even said that Alan's getting sick of this Now.

Kenneth Williams ([03:56](#)):

47 Who's Allen?

Exhibit 1

(Transcript - Audio File 18436181348_1_1694622363232)

This transcript was exported on Jan 27, 2026 - view latest version [here](#).

- Charles Weldon Boyd (03:57):
48 That's the detective.
- Kenneth Williams (03:58):
49 That's the main guy that we talked [00:04:00] to. Yeah.
- Charles Weldon Boyd (04:01):
50 Ken said he's getting sick of this shit. He's ready to close it out.
- Kenneth Williams (04:05):
51 Now. Who actually closes it out?
- Charles Weldon Boyd (04:07):
52 Jimmy Richardson.
- Kenneth Williams (04:08):
53 Okay. Alright.
- Charles Weldon Boyd (04:13):
54 So just delete that one thing and then we'll let you know what to do.
- Kenneth Williams (04:18):
55 Alright.
- Charles Weldon Boyd (04:19):
56 Alright, thanks. Yep.

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In The Matter Of:
Jennifer Spivey Foler, et al. v.
Charles Weldon Boyd, et al.

Charles Weldon Boyd
February 10, 2025

Alderman Court Reporting, LLC
"Proudly serving the Palmetto State"
500 Oak Pond Court
Conway, SC 29526



Original File Boyd-2-10-2025.txt

Min-U-Script® with Word Index

1 I just know that it was aimed at us, because I
2 could see -- I don't know how to explain it.
3 When a gun's aimed at you, you know it's aimed at
4 you. You can see the barrel. You can see the
5 slide guide and you just see the front of the
6 pistol. I don't know if his hand was here, here,
7 here (indicating). The motion he did through the
8 sweep of the motion, it was sideways, but once he
9 got here (indicating) and it shot, I don't know
10 the exact position of his hand.

11 Q. Okay. Did you have any conversations
12 with Bradley from the minute the shooting stops
13 to the day about deleting anything off your
14 phones, off your messages, off of any device?

15 A. Where is something where I discussed
16 deleting stuff?

17 Q. I just asked you the question. From
18 the minute the shooting stops to today, have you
19 ever had a conversation with him where he told
20 you to delete it or you told him to delete
21 anything?

22 A. I do not recall.

23 Q. Okay. Would you delete stuff?

24 A. Not -- there wasn't anything to
25 delete.

Exhibit 2
(Boyd Deposition)

1 Q. Okay. The only reason that somebody
2 would delete something, would you agree with me,
3 is if they had something to hide?

4 MR. MOSS: Object to the form.

5 THE DEPONENT: Or if I'd already
6 turned it over and it was irrelevant to have
7 on my phone anymore.

8 MR. TINSLEY:

9 Q. Okay. At what point did it -- and is
10 that the time when you'd already turned it over
11 that it became irrelevant in your mind?

12 A. I don't know that anything became
13 irrelevant. I don't know if I deleted something
14 or not is what I'm saying, but if I did, it would
15 be because I felt it wasn't relevant to this
16 anymore because they had the stuff that they had.

17 Q. Okay. So you definitely wouldn't have
18 told Bradley or had conversation with him about
19 deleting stuff that they, who ever you're
20 referring to, didn't have?

21 A. I don't know if I did or didn't. Do
22 you have something that shows I did, because I
23 need to see it if I did.

24 Q. I get to ask you all kinds of
25 questions. That's the beauty of this process.

in The Matter of:
Kennifer Spivey Foler, et al. v.
Charles Weldon Boyd, et al.

Kenneth Williams
February 10, 2025

Alderman Court Reporting, LLC
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500 Oak Pond Court
Conway, SC 29526



Original File Williams-2-10-2025.txt

Min-U-Script® with Word Index

Exhibit 3
(Williams Deposition)

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12

1 A. Right.

2 Q. -- before that, at no point did you
3 tell him to stop or back off or --

4 A. No.

5 Q. Okay. Did you ever have a
6 conversation with Weldon about him directing you
7 to delete or destroy anything?

8 A. I remember deleting Facebook.

9 Q. Okay. What did he ask you to delete?

10 A. Just delete the messenger.

11 Q. What had y'all talked about on the
12 messenger?

13 A. There's no telling. I don't know.

14 Q. You deleted it?

15 A. Yes, sir.

16 Q. Your Facebook account is what? How
17 are you known on Facebook?

18 A. Bradley Williams.

19 Q. Are you on any other social media?

20 A. I have an Instagram that I don't use.

21 Q. Okay. What's your --

22 A. Bradley Williams. I don't have any --

23 Q. Okay.

24 A. I don't know the apps and all that
25 stuff. I'm not big on social media.

1 Q. Do you have a problem with producing
2 the materials that you deleted from Facebook?

3 A. What do you mean, I'm sorry?

4 Q. Do you have a problem with us getting
5 the materials that you deleted when Weldon told
6 you to delete them after the shooting?

7 A. No.

8 Q. And you recall that conversation,
9 right?

10 A. I recall that segment, because, I
11 mean, I deleted the messenger afterwards.

12 Q. Was that -- did he tell you in the
13 Facebook messenger how much fun he had killing
14 Scott Spivey?

15 A. No, I don't remember anything like
16 that.

17 Q. Do you remember him telling you that
18 he had a blast?

19 A. No.

20 Q. Not on Facebook at all, ever?

21 A. No.

22 Q. That would be a kind of a shocking
23 thing for somebody to say, wouldn't it?

24 A. It would.

25 Q. It's your testimony he never said, "I