

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 FOR RULING THAT  
THE INFORMATION PRODUCED BY  
SLED IS NOT CONFIDENTIAL

Plaintiff respectfully moves this Court for a declaratory ruling that GPS location data, timestamps, and device-based location records derived from the South Carolina Law Enforcement Division’s (“SLED”) forensic downloads of the cellular phones belonging to Plaintiff and Defendant Williams are not confidential and are therefore not subject to any restriction, exclusion, limitation or confidentiality provision pursuant to the Court’s earlier Consent Confidentiality Order filed August 14, 2025. Similarly, the absence of the deleted Facebook Messenger messages between the Defendants is also not confidential. Upon information and belief, that is the totality of the data SLED produced on February 9, 2026.

As reflected in the Court’s Order filed February 6, 2026, Defendants requested that the information to be produced by SLED would be treated as confidential pursuant to the Consent Confidentiality Order until ruled otherwise. Plaintiff expressly did not concede that any information recovered by SLED would be confidential or should be treated as such, but agreed to the initial designation, solely in the interest of time and pending further ruling by the Court. As with the general intent of the Consent Confidentiality Order, once the parties had the opportunity

to review and assess the SLED production it could be determined whether the material was confidential. The Court accordingly ordered that production be made to all counsel in electronic format and that the information “shall be treated as confidential until otherwise ruled on by the Court.” This Motion is filed for the express purpose of obtaining a ruling that the material is not confidential.

The materials at issue consist of objective forensic location data and speed information, including recorded latitude and longitude coordinates, corresponding date-and-time markers, speed, and related location information generated by Scott Spivey’s phone’s operating systems and applications. This data was downloaded and produced by SLED pursuant to this Court’s instruction, but it belongs to the Plaintiff. These records reflect the device’s presence at particular places and times and provides a chronological account of movement occurring in public space. Further, it depicts a relentless pursuit of Scott Spivey as he ran for his life.

The GPS location, speed information, and timestamp data document repeated and sustained movement patterns that show speed, positioning, and proximity over time. When viewed collectively, this objective record provides substantive evidence of conduct occurring continuously and in public locations during the relevant period. These objective facts do not constitute any health care related information for either Defendant, nor does the information contain any personal, private or proprietary information of either Defendant. Again, the new GPS, speed and time information produced by SLED pertains only to and comes from Scott Spivey’s phone.

Importantly, the data at issue does not reveal private communications, message content, call logs, or any other protected personal information that has not already been made public. Rather, it consists solely of non-communicative location data that was lawfully obtained through forensic examination and reflects observable movement and positioning in public space. With

respect to SLED's search for the missing and deleted Facebook Messenger messages between the Defendants, the SLED search produced no deleted messages or new text or message of any kind that had not already been disseminated publicly by Horry County Police Department. The absence of information or private messages cannot as a matter of law or public concern constitute "confidential information."

It warrants repeating, the materials were lawfully obtained from Spivey's phone and produced pursuant to the Court's authority. Further, and significantly, all the information was extracted from Scott Spivey's phone with Plaintiff's consent, at her request, in coordination with SLED in order to mitigate any dispute regarding the authenticity of the data. As part of that agreement with SLED, Plaintiff would be entitled to receive her own information. Moreover, the Defendants cannot designate the Plaintiff's own information confidential, as they have no right to the information. The specific categories of data addressed by this Motion are limited to time-and-location records and related movement indicators which do not implicate any reasonable definition of confidential information or confidential concerns in this matter.

Accordingly, any attempt by the Defendants to classify or shield this GPS location, speed, or timestamp data as confidential mischaracterizes both the nature of the Consent Order and its purpose. Because the information consists of objective forensic location records that belong to the Plaintiff and substantively demonstrate Defendants' conduct over time—including the relentless pursuit of Plaintiff Spivey in public space—Plaintiff respectfully submits that the data is not confidential and should not be restricted from use in this litigation. Likewise, the absence of the deleted Facebook Messenger messages between the Defendants is also not confidential. As such, the Court should enter an Order clarifying the material is not confidential and is not subject to the terms of the Confidentiality Order filed August 14, 2025.

Plaintiff consulted with Defendant Boyd's counsel prior to the filing of this motion, but Boyd's counsel refused to consent to the Court correcting the record and entering an Order that the information is not confidential.

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February 11, 2026