

# The South Carolina Court of Appeals

Justin McGee, Respondent

v.

Lindsay F. McGee, Petitioner.

Appellate Case No. 2023-001376

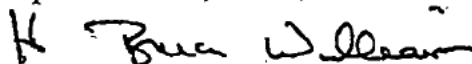
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## ORDER

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Respondent has filed a motion requesting this court dismiss Petitioner's motion to suppress intercepted communications, asserting this court lacks original jurisdiction over Petitioner's motion. He further requests that if this court denies his motion to dismiss it alternatively grant him an extension of time to file a return to Petitioner's motion. In response, Petitioner filed a motion requesting this court confirm the automatic stay of the underlying case in the family court.

Respondent's motion to dismiss is denied. *See* S.C. Code Ann. § 17-30-110(A) (2014) (explaining a motion to suppress intercepted communications "must be made before the reviewing authority and must be decided on an expedited basis"); S.C. Code Ann. § 17-30-15(9) (defining "reviewing authority" as "a panel of three judges of the South Carolina Court of Appeals designated by the Chief Judge of the South Carolina Court of Appeals"); *State v. Whitner*, 399 S.C. 547, 551, 732 S.E.2d 861, 863 (2012) ("[T]he Wiretap Act requires that a motion to suppress be made before a panel of judges of the court of appeals."). Further, all proceedings in the family court are stayed pending this court's review of Petitioner's motion to suppress. *See* § 17-30-110(A) ("All proceedings requiring the use of the contents of any intercepted communication that are the subject of the motion to suppress pursuant to this section are automatically stayed pending the determination of the motion to suppress."). Respondent's request for an extension of time to file his return is granted and his return is due September 25, 2023.



C.J.

FOR THE COURT

**FILED**  
**Sep 14 2023**

Columbia, South Carolina

cc:

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Marie-Louise Ramsdale, Esquire

Matthew A. Abee, Esquire

Peter George Currence, Esquire

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The Honorable Alice Anne Richter