

The South Carolina Court of Appeals

Jeffrey Ellicott Lindley, Respondent

v.

Sara Elizabeth Lindley, Petitioner.

Appellate Case No. 2023-001918

ORDER

Petitioner's motion to suppress communications pursuant to the South Carolina Homeland Security Act (the Act) is currently pending before this court. *See* S.C. Code Ann. § 17-30-10 to - 145 (2014). She has filed a motion with this court requesting it confirm the automatic stay placed on her underlying family court action pursuant to her motion. Respondent contends Petitioner's motion is moot because the family court stayed the case sua sponte after Petitioner filed her motion to suppress. We confirm the automatic stay: it was triggered immediately upon Petitioner filing her motion to suppress with this court, prior to the family court taking any action. *See* S.C. Code Ann. § 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.").

Further, we believe additional discovery is required before this court can rule on Petitioner's motion; thus, we certify the family court to supervise additional discovery relating to the Petitioner's motion and to issue a report with its proposed findings as to what, if any, of Respondent's actions constituted violations under the Act.¹ *See* S.C. Code Ann. § 14-8-280 ("[W]henver the determination of any

¹ In his return to the motion to suppress, Respondent argues the motion is procedurally improper and that Petitioner had waived her rights under the Act by previously filing a motion in limine concerning the subject matter of the motion. We remand this matter to the family court without ruling on Respondent's

question of fact shall be necessary to the exercise of the jurisdiction conferred upon the Court of Appeals, the court may frame an issue therein and certify such issue . . . to the circuit court of the county in which the cause of action has arisen."). The family court shall consult with the parties in any manner it deems appropriate to resolve any discovery requests relevant to the motion to suppress and shall oversee the completion of this discovery within ninety (90) days of the date of this order. The family court should prioritize the collection and analysis of any electronic devices referenced in the parties' requests and has the authority to extend these deadlines to ensure these devices are properly analyzed. Should the family court extend these deadlines, the family court must notify this court within ten days of its decision to do so. Thereafter, the family court shall have sixty (60) days to conduct any hearing it deems appropriate and to present its report and the collected discovery to this court. *See id.* ("The Court shall also have the same powers as are now possessed by the circuit courts of the State for the appointment of referees to take testimony and report thereon, under such instructions as may be prescribed by the court. . . .").



FOR THE COURT C.J.

Columbia, South Carolina

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Jan 18 2024

cc:

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argument. After the family court issues its report, Respondent may renew this argument by submitting a motion to dismiss in this court.