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FEB 27 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Family Court

Civil Action Court Case No. 2023-DR-32-859

Appellate Case No. _____

Laura L. Stone,

Petitioner,

v.

Jared R. Stone,

Respondent.

MOTION TO SUPPRESS ELECTRONIC/ORAL COMMUNICATIONS

This matter comes before the Court on behalf of Laura L. Stone, Petitioner herein (one of the Defendant in the pending Family Court action for Lexington County) by and through her undersigned counsel, who would show unto this Court, pursuant to Rule 240, SCACR, and Court News as posted and denoted as 2020-03-20-01, and S. C. Code Ann. § 17-30-110, that the relief requested here should be granted. Petitioner moves before this Court for an Order to suppress certain electronic or oral communications between Petitioner and non-parties and between Petitioner and, based upon information and belief, her counsel of record in the pending Circuit Court action.

Petitioner makes this Motion on the following grounds:

1. Petitioner was made aware of certain oral communications between herself and non-parties being accessed and apparently recorded by the Respondent herein. Attached hereto

as Exhibit "A" is the Petitioner's Affidavit setting down her subsequent Discovery to the Respondent's action which clearly shows that the Respondent, by use of recording devices located both inside the former marital residence and on the outside of the residence but having the capacity to record conversations between the Petitioner and others.

2. It is unknown when exactly the misconduct of Respondent began or ended. As stated hereinabove, Petitioner became aware of these intercepted oral communications when Respondent attempted to utilize certain communications in the Family Court matter.

3. The actions of Respondent are clearly a violation of the Electronic Communications Privacy Act, Stored Communications Act, the Computer Fraud and Abuse Act, and, based upon information and belief, include the interceptions of certain electronic and/or oral communications between Petitioner and non-party individuals. Petitioner is informed and believes that Respondent has gone so far as to attempt to utilize these illegally intercepted oral communications by utilizing the video and audio recordings in the Family Court action.

4. Counsel for Petitioner would submit that on its face the actions of Respondent in intercepting oral and electronic communications between Petitioner and non-parties is in violation of federal law, specifically U.S. Code Ann., 18 U.S.C.A. § 2511 (1) and the disclosure of the contents of these electronic communications pursuant to 18 U.S.C.A. § 2515 would subject the violator to both criminal and civil sanctions as provided for in those code provisions, thereby subjecting the violator and/or anyone who further transmits the information to up to five (5) years imprisonment or a fine. Further, 18 U.S.C.A. § 2515 specifically prohibits the use of these recorded conversations or the use of any evidence of intercepted wire or oral communications in "... any trial, hearing, or other proceeding in or before any Court, ... of the United States, a state, or a political subdivision thereof if the disclosure of that information

would be in violation of this chapter” as well as the corresponding state statute as addressed hereinbelow.

5. South Carolina law similarly forbids under S.C. Code Ann. § 17-30-20 the intentional interception, attempt to intercept, or disclosure to any person the contents of any wire, oral, or electronic communication knowing or having reason to know that the information was obtained by the interception to be punishable by a fine of up to \$5,000.00 and imprisonment of not more than five (5) years. South Carolina law similarly under S.C. Code Ann. § 17-30-65 forbids the admissibility or use of the contents of such intercepted communication or the fruits thereof.

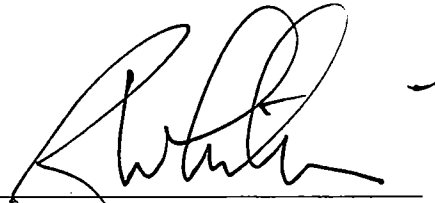
6. The actions of Respondent have left no option to Petitioner but to seek an Order of this court suppressing the release of the content of these oral communications in any proceedings including the pending proceeding herein. Further, Petitioner believes that Respondent’s actions resulted in the necessity of filing this Motion to Suppress and Petitioner seeks an award of reasonable attorney’s fees and costs for the necessity of this motion.

For these reasons and such further reasons as may appear at any hearing to be set on the matter, Petitioner hereby moves for a hearing to be held by this Court, if needed following this Court’s review of this Motion and attachments, as required by S. C. Code Ann. § 17-30-110, *et seq*, and U. S. Code Ann., 18 U.S.C.A. § 2511, *et seq*, and appropriate rulings made as to the intercepted communication(s) and that in the interim, any action by the trial court below be stayed in addition to an Order requiring the immediate listing of and disclosure of all documents and/or records concerning the interception of electronic communications of Petitioner, plus, such other action, rulings, and other relief as may be appropriate in this matter, including but not limited to, an award of attorney’s fees, costs and expenses. Counsel affirms to this Court that he

has, by copy of this Motion, notified Family Court counsel for Petitioner, all counsel of record for the Defendant in the Family Court action, the Court below.

Petitioner also moves for an order of this Court requiring the lower Court to segregate and seal the unlawfully obtained communications and any evidence that has been gleaned from the use of said communication. Petitioner believes that information should be separated in the Court's file prohibiting review of said information by the Court, either party, or the public.

Respectfully submitted,



Richard G. Whiting, Esquire
Attorney for Petitioner
SC Bar No. 6078
1515 Lady Street (29201)
Post Office Box 7877
Columbia, SC 29201
803.256.9067
dick.whiting@whitinglawsc.com

February 26, 2024

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

IN THE FAMILY COURT
OF THE
ELEVENTH JUDICIAL CIRCUIT


Jared R. Stone,)
)
Plaintiff,)
)
versus)
)
Laura L. Stone,)
)
Defendant.)

Civil Action No. 2023-DR-32-859

VERIFICATION

I, Laura L. Stone, declare as follows:

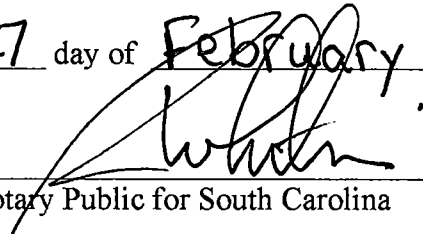
1. I have reviewed the foregoing Motion to Suppress Electronic Communications.
2. Regarding the allegations of which I have personal knowledge, I know or believe them to be true.
3. Regarding the allegations of which I do not have personal knowledge, I believe them to be true.



Laura L. Stone

Sworn to and subscribed before me this

27 day of February, 2024



Notary Public for South Carolina

My commission expires 3/30/2032

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

IN THE FAMILY COURT
OF THE
ELEVENTH JUDICIAL CIRCUIT

Jared R. Stone,)
)
Plaintiff,)
)
versus)
)
Laura L. Stone,)
)
Defendant.)
_____)

Civil Action No. 2023-DR-32-859


AFFIDAVIT OF LAURA L. STONE

PERSONALLY, APPEARED before me the undersigned who is duly sworn and says as follows:

1. My name is Laura L. Stone, the Petitioner herein.
2. I am married to Jared R. Stone, and we are the parents of A.S. (2015), L.S. (2015), and G.S. (2017).
3. I am currently involved in a Family Court action in Lexington County bearing Civil Action Number 2023-DR-32-859.
4. Jared R. Stone purchased the Nest recording devices in January of 2019. He installed and set up a subscription at the same time of purchase. The Nest cameras which can record both visually and audibly at our home, were installed to allegedly give me notice if someone was coming up the driveway portion of our home or to use as a “nanny cam”. Jared informed me sometime between 2021 and 2022 that the Nest subscription was cancelled. Jared has always overseen our finances, and I have always been in charge of taking care of the kids and household responsibilities, so I trusted when he said he cancelled the subscription that the subscription was cancelled. I never checked behind him as I never really looked at our banking account because again, he has always taken care of our finances and just provided me with a number to stay within.

5. When we moved into our home Jared and I decided to have CPI installed cameras in our house that overlooked the kitchen windows, back doors, and living room windows. Jared and I agreed to allow CPI to have a live stream recording with no audio because this would allow the police to check our cameras if the alarm went off for a break in. We were told this would help with their response time.
- a. In September of 2023, my sister was at my house visiting and noticed the camera in the kitchen. She asked if the camera could “hear us”. I pulled the CPI app on my phone up and showed her that there was no audio on the cameras.
 - b. On January 29, 2024, during medication, I pulled up the CPI Camera for my attorney, Sheila Robinson, and the Camera then had audio. I called CPI and asked them to remove the audio and they did, but was told it could be added at any time and I would not be notified as the account was in my husband’s name.
6. I respectfully ask that this Court quash any of these unlawfully obtained recordings directing that the Family Court may not utilize them in the above-mentioned pending action.

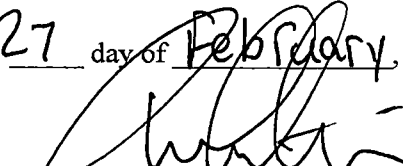
Respectfully submitted,



Laura L. Stone

Sworn to and subscribed before me this

27 day of February, 2024



Notary Public for South Carolina

My commission expires 3/30/2032

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

IN THE FAMILY COURT
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ELEVENTH JUDICIAL CIRCUIT

Jared R. Stone,)
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Plaintiff,)
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versus)
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CERTIFICATE OF SERVICE

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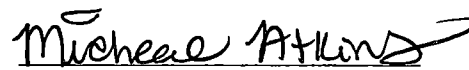
I, Micheal Atkins, paralegal for Richard G. Whiting, do hereby certify that I have this
27th day of February 2024, served the Motion to Suppress Electronic/Oral Communication via
Email and U.S. Postal Service, postage prepaid, to the following addresses:

VIA EMAIL AND US MAIL:
The Honorable Robert E. Newton
205 East Main Street
Lexington, SC 29072
mewtonsc@sccourts.org

VIA EMAIL AND US MAIL:
The Honorable W. Greg Seigler
133 S. Mine Street
McCormick, South Carolina 29835
wseiglersc@sccourts.org

VIA EMAIL AND US MAIL:
Bryn C. Sarvis
3424 Augusta Highway
Gilbert, South Carolina 29054
bsarvis@sarvislaw.com

VIA EMAIL AND US MAIL:
Sheila M. Robinson
Post Office Box 5709
West Columbia, South Carolina 29171
sheila@mbmlawsc.com


Micheal Atkins
Paralegal for Richard G. Whiting
1515 Lady Street
Post Office Box 7877
Columbia, SC 29202

February 27, 2024

LAW OFFICES OF
RICHARD G. WHITING
A PROFESSIONAL ASSOCIATION
1515 LADY STREET
POST OFFICE BOX 7877
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SC Court of Appeals

February 27, 2024

VIA HAND DELIVERY ONLY:

South Carolina Court of Appeals
Clerk of Court
Jenny A. Kitchings
1220 Senate Street
Columbia, South Carolina 292010

RE: Laura L. Stone v. Jared R. Stone

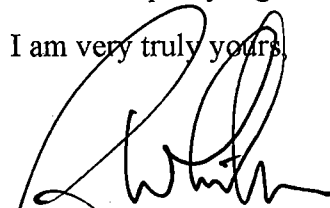
Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of the Motion to Suppress Electronic/Oral Communications with attached Affidavit of Laura L. Stone, Verification, and Certificate of Service for the above-mentioned matter. I have also enclosed my firms check for the appropriate filing fee.

By copy of this correspondence to the underlying Family Court Chief Administrative Judge, The Honorable Robert E. Newton, and the presiding Family Court Judge set to hear this case on Thursday February 29, 2024, The Honorable W. Greg Seigler, opposing counsel, Bryn C. Sarvis, and Co-Counsel, Shelia Robinson I am advising them of the filing of this motion with this Court.

Please accept my highest regards,

I am very truly yours,



Richard G. Whiting

enclosures: as stated above.

LAW OFFICES OF
RICHARD G. WHITING
A PROFESSIONAL ASSOCIATION
1515 LADY STREET
POST OFFICE BOX 7877
COLUMBIA, SOUTH CAROLINA 29202

CC:

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VIA EMAIL AND US MAIL:

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