

The South Carolina Court of Appeals

Justin McGee, Respondent

v.

Lindsay F. McGee, Petitioner.


Appellate Case No. 2023-001376

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). On May 3, 2024, the family court submitted its proposed factual findings to this court, within which the family court indicated it had preserved over 5,000 recordings from a CAMDUCK device, at least some of which may have been intercepted in violation of the Act.¹ We believe analysis of these recordings may be important to the resolution of Petitioner's motion; accordingly, we certify the family court to supervise further discovery regarding these recordings and to issue a report with its proposed findings as to (1) the content of the recordings, and (2) whether any of the recordings were intercepted in violation of the Act. *See* S.C. Code Ann. § 14-8-280 ("[W]henever the determination of any 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 determine which party bears the costs of analyzing the recordings, and shall oversee the completion of this analysis within sixty (60) days of the date of this order. Should the family court extend these deadlines, the family court must notify this court within ten days

¹ We acknowledge that since the family court filed its initial report, both parties have requested this court rule on additional matters related to the report. We decline to address the merits of these matters until after the family court completes the additional discovery requested in this order.

of its decision to do so. Thereafter, the family court shall have thirty (30) days to conduct an evidentiary hearing and allow the parties to examine any witnesses deemed relevant to the motion to suppress. It shall then have an additional thirty (30) days to present its report 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. . . ."). Any further extensions require approval by this court.



FOR THE COURT C.J.

Columbia, South Carolina

cc:
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The Honorable Michèle Patrão Forsythe
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