

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Family Court

Civil Action Court Case No. 2025-DR-26-2774

Appellate Case No. _____

RECEIVED

MAY 14 2026

SC Court of Appeals

Stuart M. Axelrod,

Petitioner,

v.

Carla Ericson,

Respondent.

MOTION TO SUPPRESS ELECTRONIC/ORAL COMMUNICATIONS

This matter comes before the Court on behalf of Stuart M. Axelrod, Petitioner herein (the Defendant in the pending Family Court action for Horry County) by and through his 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 and oral communications between Petitioner and non-parties and between Petitioner and his counsel of record in the Family Court action, based upon information and belief, his counsel of record in the pending Family Court action.

Petitioner makes this Motion on the following grounds:

1. Petitioner was made aware in Respondent's discovery responses that she had accessed and was in possession of his electronic communications without his knowledge or

consent, and that some of these electronic communications were attorney-client privileged emails between Petitioner and his counsel of record in this Family Court matter. Initial forensic analysis of these accesses of Petitioner's email account and the privileged emails in Respondent's possession indicates that interceptions of these electronic communications occurred. In addition, Petitioner's housekeeper found a voice activated recording device secreted in Petitioner's bedroom, and Respondent's discovery responses admit that she placed it there to record Petitioner's oral communications without his knowledge or consent. Preliminary forensic analysis of this device (an AFFETUNE 128GB voice recorder) indicates that it contains hundreds of audio recordings made in Petitioner's private bedroom between June 19, 2025, and October 10, 2025. This five months was plenty of time for Respondent to listen to and/or copy the incrementally made voice recordings many times throughout the period. Forensics analysis confirms that over 290 recordings were in fact copied off of the recording device to an Apple Mac computer over time, and the recording device was reused to collect more intercepted oral communications. It is believed based on the forensics that Respondent is in possession of nearly 200 of these intercepted audio communications. Among the intercepted oral communications captured by the hidden recording device were legally privileged conversations between Petitioner and his legal clients. See the attached affidavit of Petitioner's Forensics Examiner, Christopher J. Watkins attached hereto as Exhibit "A". Attached hereto as Exhibit "B" is the Petitioner's Affidavit setting down his account of the housekeeper's discovery of the hidden voice recorder, and his response to the Respondent's Discovery answers which clearly shows that the Respondent willfully intercepted both oral and electronic communications. Respondent did so by use of the hidden recording device described above and by accessing without authorization petitioner's personal web-based email account and thereby acquired at least 50 highly confidential and privileged emails, including attorney client privileged emails between

petitioner and his counsel of record in this matter. At least one of these attorney-client privileged emails was acquired by Respondent contemporaneously when it was sent to Petitioner's counsel.

2. It is unknown when exactly the misconduct of Respondent began or ended. As stated hereinabove, Petitioner became aware of these intercepted communications when Housekeeper found the recording device and subsequently when Respondent admitted to having placed the device in Petitioner's bedroom, and when Respondent admitted to having at least 50 of petitioner's highly confidential and privileged electronic communications in her possession in her Discovery responses 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 and electronic communications by utilizing them to assist her pre-litigation investigations and as the basis for allegations in her Complaint 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 use and dissemination of the content of these electronic and 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. Petitioner’s counsel affirm to this

Court that they have, by copy of this Motion, notified Family Court counsel for Petitioner, all counsel of record for the Respondent in the Family Court action, and 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 derivative works and any pleadings or evidence that has been gleaned from the use of said communications. 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,

/s Richard G. Whiting
Richard G. Whiting, Esquire
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SC Bar No. 6078
611 Calhoun Street
Fernandina Beach, FL 32034
803.256.9067
dick.whiting@whitinglawsc.com

/s Steven M. Abrams
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/s James T. McLaren
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/s Joshua M. Calder
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Date: May 14, 2026

Other Counsel of Record:

Heather S. von Herrman, Esquire
von Herrmann Law Firm
212 Elm Street
Conway, South Carolina 29526
Phone: (803) 488-1030
hvh@vhlf.pro
Attorney for Respondent

Alexandra D. Varner, Esquire
Varner Family Law
814 Johnnie Dodds Blvd, Suite 103
Mount Pleasant, SC 29464
Phone: (843) 606-3038
alex@varnerfamilylaw.com
Attorney for Respondent

Exhibit A

**STATE OF SOUTH CAROLINA
COUNTY OF HORRY**

**IN THE FAMILY COURT
FIFTEENTH JUDICIAL CIRCUIT**

**CARLA ERICSON
Plaintiff,
vs.
STUART M. AXELROD
Defendant.**

Case: 2025-DR-26-2774

AFFIDAVIT OF

CHRISTOPHER J. WATKINS

PERSONALLY APPEARED before me Christopher J. Watkins, who, having been first duly sworn, deposes and states the following on personal knowledge:

1. My name is Christopher James Watkins. I have personal knowledge of the facts set forth in this affidavit and am competent to testify about them.
2. I am a SLED Licensed Investigator, and I have an educational background in Computer Science, Information Technology, Computer Programming, and Systems Engineering for Hardware and Software. I am recognized as a Certified Forensic Computer Examiner (CFCE) and a Certified Mobile Device Examiner (CMDE) by the International Association of Computer Investigative Specialists (IACIS), which is, in turn, accredited by the Forensic Specialties Accreditation Board (FSAB). The FSAB is an independent organization established to accredit professional bodies that certify forensic scientists. I am also an associate member of the IACIS and a member of the American Society of Digital Forensics & eDiscovery.
3. Since 2010, I have worked as a Licensed Private Investigator in South Carolina. From 2010 to 2016, I worked as a South Carolina Law Enforcement Division (SLED)-licensed investigator for Stillinger Investigations. In 2016, I founded Watkins Digital Forensic & Investigations, which I operated until December 2018. In January 2019, I founded Certified Computer Forensics, LLC, which I continue to own and operate. In these positions, I have completed hundreds of digital forensic investigations involving computer systems, computer networks, servers, and various cellular and digital devices. These investigations involved the disciplined use of specialized methods and techniques, adhering to the

scientifically accepted standards and practices for recovery, authentication and analysis of electronically stored information, reconstruction of digital device usage, examination of residual data, authentication of data by technical analysis, and explanation of technical features of data and device usage.

4. Since 2014, I have been qualified thirty-six (36) times as an expert in matters of Digital Forensic Science in the South Carolina Family Court, General Sessions Court, and Court of Common Pleas, and in the United States District Court for the District of South Carolina.
5. On January 6, 2026, at approximately 1:18 PM, a small digital audio recording device that I am informed had been recovered from the bedroom of Mr. Axelrod was delivered to my office at 1416 Park Street, Columbia, South Carolina, by Pete Skidmore, Sr. The device was signed into custody at the time of receipt by Katie McClaran, who is one of the office assistants and was authorized to accept custody on my behalf. Following intake, the device was secured in a locked storage room within my office, where it remained continuously until January 12, 2026. On January 12, 2026, at approximately 10:56 AM, Ms. McClaran signed custody of the device over to me, and the device has remained in my exclusive custody since that time, secured in a locked storage container under my sole control. I assigned the device the evidence number 26-47281-D001-ADAR within case 26-47281-Axelrod.
6. The only marking visible on the exterior of the device is a small silver hologram sticker bearing the text "128GB." No brand name, model number, or serial number is printed, molded, or otherwise visible on the exterior of the device itself. I identified the device as an Affetuni MC-01 magnetic voice recorder by reference to (a) a screenshot of the device's product listing on Amazon.com (provided by Mr. Skidmore when he turned over the device), which identified the manufacturer of the device as Affetuni, and (b) a user manual for the Affetuni MC-01 obtained from publicly available online sources, the product photographs, dimensions, controls, and stated specifications of which match the device I received as evidence.
7. On May 11, 2026, I created a forensic image of the device using AccessData FTK Imager version 4.7.1.2. The imaging process began at approximately 12:57 PM and was completed

at approximately 5:09 PM on the same date, and produced a verified bit-for-bit (physical) copy of the entirety of the device's internal storage. The integrity of the forensic image was confirmed by computing MD5 and SHA-1 cryptographic hashes during acquisition and re-computing those hashes against the completed image; the verification hashes matched the corresponding hashes computed during acquisition.

8. The forensic image of the device contains audio recordings made on the device. Analysis of the file system on the device identified one hundred and seventy-nine (179) unique audio recordings, by filename, in Waveform Audio (.WAV) format. Of those 179 unique recordings, seventy-one (71) are active recordings stored in the device's \Root\RECORD\ directory, and one hundred and eight (108) are deleted recordings — one hundred and seven (107) of which had been moved to the device's macOS trash directory at \Root.Trashes\501\, and one (1) of which exists only as a residual directory entry within \Root\RECORD\ with no recoverable content. I additionally performed file carving against unallocated space within the forensic image and recovered ten (10) additional deleted audio files that did not correspond to any active file-system entry. From the forensic image I exported a total of two hundred and ninety-one (291) .WAV files, comprising the ten (10) files recovered by carving and every other file-system entry bearing a .WAV extension, including residual or shadow directory entries left in \Root\RECORD\ when recordings were moved to \Root.Trashes\501\. Of those 291 exported files, one hundred and ninety-three (193) have a file size greater than zero (0) bytes and may contain audio data; the remaining ninety-eight (98) are residual file-system entries that bear a .WAV filename but no longer reference allocated cluster data and therefore contain no recoverable audio content. The counts stated in this paragraph are derived from file-system metadata. I have not reviewed or listened to the audio content of any of the recordings exported from the forensic image, and I make no representation in this affidavit as to the subject matter, contents, speakers, or evidentiary significance of those recordings.
9. The Affetuni MC-01 does not have wireless connectivity. The user manual for the Affetuni MC-01 identifies the device's only hardware interface as USB Type-C and describes the device's only data-transfer methods as wired: USB-C connection to a Windows or macOS computer, and OTG ("on-the-go") cable connection to an Apple iOS device (running iOS

13 or higher) or an Android device. The manual's specifications table lists no Bluetooth, Wi-Fi, or other wireless interface, and no wireless functionality is described anywhere in the manual. My physical inspection of the device is consistent with that documentation: no antenna, no wireless-module markings, and no firmware or file-system indicators of wireless functionality were observed. Based on the user manual and my physical inspection, the device has no Bluetooth, Wi-Fi, cellular, or other wireless connectivity.

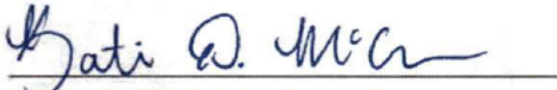
FURTHER AFFIANT SAYETH NAUGHT.



Christopher Watkins, Affiant

SWORN to and subscribed before me

this 13th day of May, 2020.



Notary Public for South Carolina

My Commission Expires: 10/16/35

CURRICULUM VITAE OF
CHRISTOPHER J. WATKINS, LPI, CFCE, CMDE

Digital Forensic Examiner/Private Investigator
CERTIFIED COMPUTER FORENSICS, LLC
1416 Park Street, Columbia, SC 29201
Direct: (803) 360-6764

CURRENT EMPLOYMENT

January 2019 to Present, Co-Founder, Digital Forensic Examiner, SLED Licensed Investigator, Certified Computer Forensics, Columbia, South Carolina

- Undertakes complex analyses of sophisticated computer related investigations pursuant to tracking and/or recovering evidence, with particular emphasis on information flows and the reconstruction of computer transactions.
- Provides expert evidence, either in affidavit form or personally in Court as necessary.
- Provides expert opinion in relation to the significance of the evidence and the science behind its discovery, authentication, and analysis.
- Provides oral and/or written briefings as required on complex aspects of analytical tasks, with particular emphasis on computer related investigations.
- Actively participates in the development and implementation of computer techniques to support forensic computer analysis.
- Provides assistance in an advisory capacity at interviews or Court hearings as required, with emphasis on computer aspects.
- Conducts independent reviews of work conducted by Federal, State, or other private digital forensic examiners.

PROFESSIONAL EXPERIENCE

CERTIFIED COMPUTER FORENSICS	<i><u>SLED Licensed Investigator</u></i>	(January 2019 – Present)
WATKINS DIGITAL FORENSICS & INVESTIGATIONS	<i><u>SLED Licensed Investigator</u></i>	(January 2016 – December 2019)
STILLINGER INVESTIGATIONS	<i><u>SLED Licensed Investigator</u></i>	(February 2010 – January 2016)

❖ Digital Forensic Science

- Recognized as a Certified Forensic Computer Examiner (CFCE) by The International Association of Computer Investigative Specialists (IACIS) (Certificate ID 28389). IACIS is accredited by The Forensic Specialties Accreditation Board (FSAB), an independent board established to accredit professional bodies that certify forensic scientists and other forensic specialties
- Associate Member of The International Association of Computer Investigative Specialists (IACIS)
- Member of The American Society of Digital Forensics & eDiscovery, Inc. (ASDFE)
- Completed hundreds of digital forensic investigations involving computer systems, computer networks, servers, cellular phones, smartphones, tablet computers, cloud storage data, social networks, global positioning systems, digital video recorders, audio recorders, and other digital devices, as well as virtual hard disks and virtual machines

CURRICULUM VITAE OF
CHRISTOPHER WATKINS, LPI, CFCE, CMDE

PROFESSIONAL EXPERIENCE (CONTINUED)

- ❖ Digital Forensic Science (Continued)
 - Completed hundreds of assignments involving video editing, analyses, and enhancements; audio editing, analyses, and enhancements; photographic editing, analyses, and enhancements; video/audio manipulation detection, photographic manipulation detection, file signature and metadata analyses, file signature and metadata manipulation detection, social engineering/intrusion detection, and records analyses
 - Experienced in the practices and procedures involved in conducting forensic analyses on unmanned aerial vehicles, with particular emphasis on collecting serial numbers, flight paths, launch and landing locations, and video/photographic recordings.
 - Experienced in the practices and procedures involved in conducting forensic analyses on gaming consoles, such as Nintendo Wii, Microsoft Xbox, Microsoft Xbox 360, Sony PlayStation 3, and Sony PlayStation 4.

- ❖ Cellular Tower Data & Cellular Communications Data Investigations
 - Analyzed call detail records in Federal and State defense investigations
 - Constructed interactive maps to indicate theoretical call locations
 - Executed frequency analyses to determine distributions of communications by select variables
 - Executed link analyses to evaluate relationships between nodes of contact

PROFESSIONAL TRAINING

Private Investigations

Licensed – SLED License #3239

Experience: February 2010 – Present
Training: 6 hours of annual SLED-approved continuing education training pursuant to S.C. Code Ann § 73-422(2); 2 hours of annual continuing education provided by SLED (service discontinued in 2014)
Case Types: Digital Forensics, Criminal Defense, Civil Litigation, Family Law, etc.

Digital Forensic Science

Experience: 2010 – Present
Training: Received hundreds of hours of curricular studies and application of digital forensics concepts, techniques, and applied science; IACIS; ASDFE
Software: GetData Forensic Explorer, Guidance Software EnCase Forensic, AccessData FTK, AccessData MPE+, Paraben Device Seizure, Magnet Forensics Axion, Oxygen Forensic Detective, Sumuri Paladin, BlackBag Technologies, Cellebrite, and more
Platforms: Windows, Mac OS X, Linux, Android, iOS, Symbian, and more

Cellular Tower Data & Cellular Communications Data Investigations

Experience: April 2014 – Present
Training: Annual training and continuing education training seminars offered by ZetX (developer of TraX) and Hawk Analytics (developer of CellHawk, analytics software for cellular phones and cellular towers records); application of concepts and techniques to study theoretical call locations, communication frequencies and links
Software: ZetX TraX, Hawk Analytics CellHawk Oxygen Forensic Detective CDR Expert

CURRICULUM VITAE OF
CHRISTOPHER WATKINS, LPI, CFCE, CMDE

EDUCATION / SPECIALIZED TRAINING

2024	Certified Mobile Device Examiner (Re-Certification, December 2024)	IACIS Certificate ID 28389 <i>Area of Study:</i> Digital Forensics
2024	Certified Forensic Computer Examiner (Re-Certification, December 2024)	IACIS Certificate ID 28389 <i>Area of Study:</i> Digital Forensics
2024	Mobile Device Forensics	IACIS MDF Online Training <i>Area of Study:</i> Digital Forensics
2024	Oxygen Forensic Advanced Analysis	Oxygen Forensics, Inc. <i>Area of Study:</i> Digital Forensics
2022	Cellular Technology, Mapping & Analysis	Hawk Analytics, Inc. Training <i>Area of Study:</i> Cellular Tower Data
2021	Forensic Analysis of Cellular Networks	ZetX Advanced Learning <i>Area of Study:</i> Cellular Tower Data
2021	Certified Mobile Device Examiner (FSAB Accredited Certification, December 2021)	IACIS Certificate ID 28389 <i>Area of Study:</i> Digital Forensics
2021	Certified Forensic Computer Examiner (Re-Certification, October 2021)	IACIS Certificate ID 28389 <i>Area of Study:</i> Digital Forensics
2021	Certified Mobile Device Examiner (Certification Training, April 2021)	IACIS MDF Training Conference <i>Pursuant to Obtaining CMDE Certification</i>
2019	Non-Confrontational Interviewing Techniques (Investigations Training, May 2019)	Wicklander-Zulawski & Associates <i>Area of Study:</i> Investigations
2018	Certified Forensic Computer Examiner (FSAB Accredited Certification, November 2018)	IACIS Certificate ID 28389 <i>Area of Study:</i> Digital Forensics
2018	Certified Forensic Computer Examiner (Certification Training, April 2018)	IACIS BCFE Training Conference <i>Pursuant to Obtaining CFCE Certification</i>
2012	CompTIA A+ Certification (Certified Systems Engineer for Hardware & Software)	Midlands Technical College, Irmo, SC <i>Area of Study:</i> Information Technology
2010-2012	C++/C# Coursework (Computer Programming)	Midlands Technical College Online <i>Area of Study:</i> Computer Programming
2003-2005 <i>Attended</i>		Midlands Technical College, West Columbia, SC <i>Area of Study:</i> Science/Computer Science

CURRICULUM VITAE OF
CHRISTOPHER WATKINS, LPI, CFCE, CMDE

QUALIFICATIONS

Digital Forensic Science

Qualified on thirty-six (36) occasions as an expert witness in the field of Digital Forensic Science in United States District Court District of South Carolina (Federal), South Carolina Circuit Court (General Sessions and Common Pleas), and South Carolina Family Court. (A list of trial cases where qualified as an expert in the field of Digital Forensic Science is detailed below.)

Record #	County	Court	Case	Month	Year
36	Horry	Common Pleas	Spivey Est. v. C. Weldon Boyd	February	2026
35	Lexington	General Sessions	State v. Chendric Brown	January	2026
34	Greenwood	General Sessions	State v. Joshua Nix	December	2025
33	Richland	General Sessions	State v. Rick Chow	November	2025
32	Lexington	Common Pleas	Travis Hammack v. State	May	2025
31	Richland	General Sessions	State v. Jamira Davis	June	2023
30	Beaufort	Family	Catalano v. Snyder	June	2023
29	Beaufort	General Sessions	State v. Ray Altacho	April	2023
28	Marlboro	General Sessions	State v. Jejauncey Harrington	February	2023
27	Richland	General Sessions	State v. Antonio Barnes	December	2022
26	Horry	General Sessions	State v. Brian Redding	August	2022
25	Lexington	Common Pleas	Chad Hayes v. State	April	2022
24	Richland	General Sessions	State v. Mark Volstromer	June	2021
23	Horry	General Sessions	State v. Gary Bennett	October	2020
22	Aiken	Family	Haltiwanger v. Haltiwanger	January	2020
21	Lexington	General Sessions	State v. Lee Anthony Corley	January	2020
20	Lexington	Family	Ingram v. Chavez	January	2020
19	Richland	Family	Solomon v. Solomon	November	2019
18	Richland	General Sessions	State v. Kenneth Gleaton	October	2019
17	Richland	General Sessions	State v. Troy Stevenson	December	2018
16	Horry	General Sessions	State v. Philip Guderyon	October	2017
15	Lexington	General Sessions	State v. Nathaniel Hunter	April	2017
14	Lexington	General Sessions	State v. Wiley Sisk	December	2016
13	Richland	General Sessions	State v. Channen Ricks	October	2016
12	Richland	General Sessions	State v. Michael Simmons	September	2016
11	Laurens	General Sessions	State v. Johnny Lee Saxon	September	2016
10	Richland	General Sessions	State v. Channen Ricks	August	2016
9	Aiken	Common Pleas	Benjamin Green v. State	June	2016
8	Fairfield	General Sessions	State v. Christopher Moore	April	2016
7	Richland	Family	Arendash v. Arendash	October	2015
6	Aiken	Common Pleas	Benjamin Green v. State	September	2015
5	Richland	General Sessions	State v. Michael Smith	July	2015
4	Richland	General Sessions	State v. Troy Stevenson	June	2015
3	Lexington	General Sessions	State v. Filberto Garcia	June	2015
2	Richland	Federal	US v. Ruben Ceja-Rangel	April	2015
1	Richland	Family	Arendash v. Arendash	September	2014

CURRICULUM VITAE OF
CHRISTOPHER WATKINS, LPI, CFCE, CMDE

QUALIFICATIONS (CONTINUED)

Cellular Tower Data & Cellular Communications Data Investigations

Qualified on four (4) occasion as an expert witness in the field of Cellular Tower Data & Cellular Communications Data Investigations in South Carolina General Sessions Court. (A list of trial cases where qualified as an expert in the field of Cellular Tower Data & Cellular Communications Data Investigations is detailed below.)

Record #	County	Court	Case	Month	Year
4	Lexington	General Sessions	State v. Chendric Brown	January	2026
3	Horry	General Sessions	State v. Brian Redding	August	2022
2	Lexington	General Sessions	State v. Lee Anthony Corley	January	2020
1	Richland	General Sessions	State v. Kenneth Gleaton	October	2019

Criminal Defense Investigations

Qualified on one (1) occasion as an expert witness in the field of Criminal Defense Investigations in South Carolina General Sessions Court. (A list of trial cases where qualified as an expert in the field of Criminal Defense Investigations is detailed below.)

Record #	County	Court	Case	Month	Year
1	Richland	General Sessions	State v. Michael Smith	July	2015

Exhibit B

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
FAMILY COURT

Appellate Case No.: _____
Family Court Docket No.: 2025-DR-26-2774

Stuart M. Axelrod,

Petitioner,

v.

Carla Ericson,

Respondent.

AFFIDAVIT OF PETITIONER STUART M. AXELROD

PERSONALLY APPEARED BEFORE ME, Petitioner Stuart M. Axelrod, who first being duly sworn, swears and deposes as follows:

1. My name is Stuart M. Axelrod and I am the petitioner in the above referenced matter. I am also an attorney licensed to practice law in the State of South Carolina. I am over 18 years of age and competent to testify about the matters discussed herein.
2. I am bringing this action to properly investigate and suppress evidence which my wife, Respondent Carla Ericson, obtained through unlawful interceptions, together with the fruits of any evidence derived therefrom.
3. My investigation has only just begun, but I believe Carla has intercepted my communications through clandestinely using a recording device in my bedroom and through accessing my

personal email account and intercepting my communications, including with my attorneys in the Family Court matter.

RECORDING DEVICE

4. In the fall of 2025, my maid found a recording device in my bedroom at the former marital home. I did not place that device in the bedroom. The maid did not place that device in the bedroom.
5. Because we were having marital difficulties, I suspected Carla had placed the recording device in the bedroom to clandestinely record me.
6. After the Family Court action was filed, I served discovery requests upon Carla seeking information about the recording device. I specifically asked:

During the course of your present marriage, have you or anyone at your direction intercepted, recorded, and/or attempted to record any of your spouse's or any other person's telephone or other communications? If so, please state the nature and method of interception and/or recording or the attempt to intercept or record, identify the person who intercepted and/or recorded the communications or attempted to do so, the dates of said interception and/or recordings, and, the custodian of said recordings and/or transcriptions thereof.

See: Excerpt of Discovery Responses attached hereto as ***EXHIBIT 1***.

7. In her discovery responses dated April 28, 2026, Carla stated as follows in response to this request:

ANSWER: Plaintiff placed a recording device in the parties' master bedroom after Plaintiff overheard Defendant having a masturbatory session with his mistress, Marylynn Bishop. The device was confiscated by Defendant and Plaintiff never received any data from the device.

Plaintiff reserves the right to supplement this answer at a later date.

See: Excerpt of Discovery Responses attached hereto as ***EXHIBIT 1***.

8. I have never authorized Carla to record my conversations.
9. I retained Christopher Watkins to forensically examine the recording device. My understanding is the recording device may have been accessed by a Mac computer or iOS device. I do not use Mac devices. Carla has a Mac Book Pro and an iPad that she uses. I also understand Mr. Watkins found audio recordings on the recording device's memory. The initial review of those

recording indicate that Carla recorded several conversations while I was talking on the phone with third parties. Most of the recording I have reviewed are only my side of the conversation, but I believe some may include third party voices speaking to me on speakerphone. I also do not know whether any prior recordings had been deleted. Mr. Watkins has prepared an affidavit regarding his preliminary findings which is being submitted simultaneously herewith.

10. I do not know when Carla placed the electronic device or how many recordings were made. I do not believe Carla is being truthful about never having accessed the audio files. As this was my private bedroom, there were many private conversations which took place in this room, including conversations with my attorneys and conversations with my own clients (I am a licensed attorney).
11. Based upon the foregoing, I am requesting the Court permit me to investigate the unlawful interception of my aural conversations by the recording device which was installed by and accessible by Carla.

INTERCEPTION OF EMAILS

12. In the fall of 2025, I also discovered Carla had been surreptitiously accessing my private, web-based email account (a Hotmail account).
13. I became aware that Carla had been accessing and forwarding my emails on many different occasions.
14. In my discovery requests, I asked Carla:

From January 1, 2025, to present, have you or anyone at your direction accessed Defendant's email accounts or electronic devices? If so, please state when these accounts/devices were accessed, what emails or documents were reviewed and copied or forwarded, and identify any and all third parties which were sent information or documentation obtained from Defendant's email and identify what specific documentation or information was sent to third parties.

See: Excerpt of Discovery Responses attached hereto as ***EXHIBIT 1***.

15. Carla responded as follows:

ANSWER: Yes, Plaintiff has accessed Defendant's email from the parties' home computer. Plaintiff forwarded certain emails to the witnesses listed above for

safekeeping. See Responses to Interrogatory #6 and Request to Produce.

Plaintiff reserves the right to supplement this answer at a later date.

See: Excerpt of Discovery Responses attached hereto as *EXHIBIT 1*.

16. Carla's Responses to my Request for Production indicate that she accessed emails dated from July 2025 through October 2025, though her discovery response is deficient in that she did not state the dates that she accessed my emails. The forwarding and printing dates on these documents indicate that Carla was routinely accessing my emails and either printing them or sending them to herself or to her friends throughout the fall of 2025.
17. One of the communications obtained by Carla contained my history of the marriage which I prepared and shared with my counsel solely for the purposes of preparing for this litigation (herein "Client Novel").
18. For a summary of the type of information contained in the Client Novel, I am enclosing a copy of the instructions which were provided to me by my attorney to assist me in preparing the Client Novel. *EXHIBIT 2*. Client Novels normally include personal history, family history, history of the marriage, client assessment of various matters the Court is required to consider, and litigation objectives.
19. The information which I included is extremely personal, highly sensitive, and critically important to litigation preparation.
20. To emphasize the sensitivity of the information contained in my Client Novel, the end of the client Novel Instructions specifically state:

DO NOT LET YOUR SPOUSE SEE THIS PAPER OR YOUR "CLIENT NOVEL". CONFIDENTIALITY IS ESSENTIAL TO OUR EFFECTIVELY REPRESENTING YOUR INTERESTS. IF YOU BREACH THIS CONFIDENTIALITY, YOU ARE JEOPARDIZING OUR ABILITY TO PROPERLY REPRESENT YOUR INTERESTS. MORE IMPORTANTLY, YOU ARE JEOPARDIZING OUR ABILITY TO OBTAIN A FAVORABLE RESULT FOR YOU.

Emphasis in Original.

21. Carla also unlawfully obtained one email which contained communications between my attorneys


and I regarding settlement of the case and overall strategy.

22. I believe Carla was unlawfully obtaining my emails throughout the fall of 2025. I have taken the computer to Christopher Watkins for forensic examination. That examination has not been completed to determine when Carla accessed my computer or my email and whether her accessing my email was contemporaneous with other emails being received. I cannot imagine it was not as I receive dozens of emails on a daily basis related to not only my own personal matters, my personal litigation, and my business interests, but also pertaining to my own clients.
23. Based upon the foregoing, I am requesting the Court to permit us to fully investigate these matters and ultimately suppress and ill-gotten evidence, together with any fruits obtained from that ill-gotten evidence.
24. The above statements are true and correct, save and except those stated to be based upon information and belief, upon which I believe those statements to be true and correct.

/ Signature Page Attached

SWORN to and subscribed before me
this 13th day of May, 2026

Lori Burrow
NOTARY PUBLIC FOR South Carolina
Printed Name of Notary: Lori Burrow
My Commission Expires: 2/22/2032



STUART M. AXELROD

Exhibit 1

d. None at this time.

Plaintiff reserves the right to supplement this answer at a later date.

3. Set forth a list of photographs, plats, sketches or other prepared documents in your possession that relate to the claim or defense in the case.

ANSWER: Please refer to the attached List of Documents Provided.

Plaintiff reserves the right to supplement this answer at a later date.

4. State the names and addresses of all persons other than your attorney with whom you have discussed your spouse or your matrimonial dispute from the date of separation through the date of your responses, and summarize all comments made by you and such third parties with respect to your spouse or your matrimonial dispute.

ANSWER: Please see answer to Interrogatory #1.

Plaintiff reserves the right to supplement this answer at a later date.

5. Have you, or anyone on your behalf, conducted surveillance or investigated your spouse? If so, please provide the details, including the name and address of the investigator, the dates of surveillance and investigation, the results of such surveillance and investigation, state where such items may be inspected, and if tracking devices were used. Also, list and describe all reports (oral and written), videos, photographs, and other demonstrative evidence resulting from such surveillance and investigation.

ANSWER: An investigation was conducted by Bulldog PI, LLC, 1000 S. Commons Drive, Suite 102, #370, Myrtle Beach, SC 29588. Investigators were Melissa Bridges, Wade Alford, and Taylor King. Full investigation file is attached.

Plaintiff reserves the right to supplement this answer at a later date.

6. During the course of your present marriage, have you or anyone at your direction intercepted, recorded, and/or attempted to intercept or record any of your spouse's or any other person's telephone or other communications? If so, please state the nature and method of interception and/or recording or the attempt to intercept or record, identify the person who

intercepted and/or recorded the communications or attempted to do so, the dates of said interception and/or recordings, and, the custodian of said recordings and/or transcriptions thereof.

ANSWER: Plaintiff placed a recording device in the parties' master bedroom after Plaintiff overheard Defendant having a masturbating session with his mistress, Marylynn Bishop. That device was confiscated by Defendant and Plaintiff never received any data from the device.

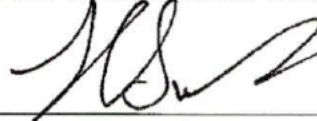
Plaintiff reserves the right to supplement this answer at a later date.

7. From January 1, 2025, to present, have you or anyone at your direction accessed Defendant's email accounts or electronic devices? If so, please state when these accounts/devices were accessed, what emails or documents were reviewed or copied or forwarded, and identify any and all third parties which were sent information or documentation obtained from Defendant's email and identify what specific documentation or information was sent to said third-parties.

ANSWER: Yes, Plaintiff has accessed Defendant's email from the parties' home computer. Plaintiff forwarded certain emails to the witnesses listed above for safekeeping. See Responses to Interrogatory #6 and Request to Produce.

Plaintiff reserves the right to supplement this answer at a later date.

VON HERRMANN LAW FIRM



Heather S. von Herrmann, Esquire
von Herrmann Law Firm
Attorney for Plaintiff
212 Elm Street
Conway, SC 29526
Phone: (843) 488-1030
Fax: (843) 488-1035

Dated: April 27, 2026
Conway, South Carolina

COPY

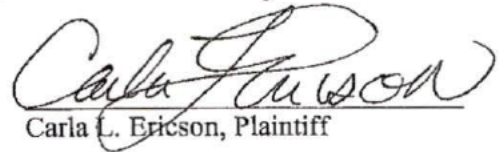
STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)
)
Carla L. Ericson,)
) *Plaintiff,*)
)
vs.)
)
Stuart M. Axelrod,)
) *Defendant.*)
)

IN THE FAMILY COURT FOR THE
FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 2025-DR-26-2774

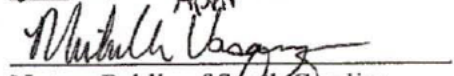
VERIFICATION

PERSONALLY appeared before me the Plaintiff in the foregoing action, who being duly sworn, deposes and says:

- (a) That this Deponent has read *Plaintiff's Answers to Defendant's First Set of Interrogatories to Plaintiff* and *Plaintiff's Responses to Defendant's First Set of Requests for Production to Plaintiff*.
- (b) That the *Plaintiff's Answers to Defendant's First Set of Interrogatories to Plaintiff* and *Plaintiff's Responses to Defendant's First Set of Requests for Production to Plaintiff* prepared by this Deponent's attorney are based upon information this Deponent has personally furnished to said attorney.
- (c) That *Plaintiff's Answers to Defendant's First Set of Interrogatories to Plaintiff* and *Plaintiff's Responses to Defendant's First Set of Requests for Production to Plaintiff* are true and correct and are based upon the personal knowledge of this Deponent, and, as to those, this Deponent verily believes the same to be true.
- (d) That this Deponent has authorized said attorney to present *Plaintiff's Answers to Defendant's First Set of Interrogatories to Plaintiff* and *Plaintiff's Responses to Defendant's First Set of Requests for Production to Plaintiff* to Defendant's counsel.
- (e) That this Deponent understands that this Verification is sworn to and given under oath.


Carla L. Ericson, Plaintiff

SWORN to before me this
27th day of ~~March~~ April, 2026.


Notary Public of South Carolina
My Commission Expires 1-2-2029

MICHELLE VASQUEZ
Notary Public - State of South Carolina
My Commission Expires
January 02, 2029

Exhibit 2

CLIENT NOVEL INSTRUCTIONS

McLaren & Lee
1508 LAUREL STREET
POST OFFICE BOX 11809
COLUMBIA, SOUTH CAROLINA 29211-1809
TELEPHONE (803)799-3074
FAX (803)252-3548

If you are represented by McLaren & Lee, it will be necessary for you to supply us with a legible (neatly hand-written or typed) "Client Novel" providing us with the history of your marriage highlighting important details. This information is vital to our properly understanding your situation and to our properly representing your interests. Details are important. Please provide as much detail as possible. Your "Client Novel" should include, at a minimum, the following:

1. **Briefly cover:** You and your spouse's **age, health, education;** and, you and your spouse's **current employment and income.**
2. A **detailed chronology of the important events in your marriage** including the time you and your spouse dated before marriage; the date and place of marriage; what you and your spouse were doing immediately prior to your marriage (school, employment, where you lived, what you owned, and what you owed); the purchase and sale of any real estate or other significant investments or assets including the source and disposition of monies; the birth and care of children; moves; job changes; job promotions; inheritances; significant financial transactions; and other events which you consider to be important during your marriage.
3. A **detailed history of your financial contributions** to the marriage (money, property, or otherwise).
4. A **detailed history of your spouse's financial contributions** to the marriage (money, property, or otherwise which you brought into the marriage).
5. A **detailed history of your indirect contributions** to the marriage (as a mother, father, husband, wife, homemaker, assistance in your spouse's career development, etc.).
6. A **detailed history of your spouse's indirect contributions** to the marriage (as a mother, father, husband, wife, homemaker, assistance in your career development, etc.).
7. A **detailed explanation of all of the "foregone opportunities" that you (or your spouse) have lost** as a result of your marriage or decisions made during your marriage. This would include both economic and career opportunities. Examples would be seniority, retirement benefits,

employment, businesses, etc. In other words, things you gave up to help your spouse or family.

8. **If custody or visitation is an issue, be detailed about the child(ren).** Talk about their growth and development; their health; their education and educational needs; your expectations; the relationship they have with both you and your spouse; and, the role and contributions you and your spouse have had in their upbringing.
9. A **detailed history of all separations** by dates (beginning and end), who left and why, and any other circumstances or specifics that are important.
10. A **detailed history of the "bad" things your spouse has done to you** during your marriage (what, when and where – be specific) (e.g. saying he/she "abused" or "mistreated" you is not sufficient).
11. A **detailed history of all the "bad" things you have done to your spouse** during the marriage. (Be specific).
12. An **explanation of your "short term" and "long term" objectives in order of importance** dealing with such issues as divorce, separation, custody of children, visitation with children, obtaining particular property (real and personal) use or ownership of an automobile, restraining orders, alimony, child support and any other special results which you would desire to obtain through litigation or settlement.
13. Any **other matters or events** which you consider important.
14. **Please bring to our office the following documents:**
 - Personal and business tax returns, state and federal, for all years of the marriage, especially for the last five (5) years.
 - Loan applications and bank filed financial statements.
 - The most recent statements for all bank accounts, investment and stock accounts and retirement accounts.
 - Life insurance policies and statements of cash value;
 - Closing statements, deeds, notes, mortgages and recent statements reflecting mortgage balances for all real estate.
 - Documents reflecting the year, make, model, mileage and loan balance and payments for all vehicles, boats, and recreational vehicles.

- List of all bank, investment and/or stock accounts, and retirement accounts that you have or you believe your spouse has (if you actual statements are not available to you).
- Evidence of misconduct, such as:
 - Photographs of bruises or other injuries;
 - Police reports;
 - Private investigation reports;
 - Tapes of conversations between you and your spouse (which do not violate wiretap laws);
 - Computer records;
 - Cards, notes and letters;
 - Journals & diaries;
 - Receipts for motels, travel and the like.
- If custody is an issue, gather all:
 - Report cards and other school records;
 - Pediatrician records;
 - Dental records;
 - Orthodontic records;
 - Cancelled checks and charge card receipts for purchases relating to the children, such as for medical care, dental care, orthodontic care, clothes, extracurricular activities, school expenses, lessons, tutoring, etc.
- A list of people who will give you supporting Affidavits by name, address, telephone number, how he or she knows you, your spouse or your children, and the substance of what each witness is expected to say.

DO NOT LET YOUR SPOUSE SEE THIS PAPER OR YOUR "CLIENT NOVEL". CONFIDENTIALITY IS ESSENTIAL TO OUR EFFECTIVELY REPRESENTING YOUR INTERESTS. IF YOU BREACH THIS CONFIDENTIALITY, YOU ARE JEOPARDIZING OUR ABILITY TO PROPERLY REPRESENT YOUR INTERESTS. MORE IMPORTANTLY, YOU ARE JEOPARDIZING OUR ABILITY TO OBTAIN A FAVORABLE RESULT FOR YOU.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

MAY 14 2026

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Family Court

Civil Action Court Case No. 2025-DR-26-2774

Appellate Case No. _____

Stuart M. Axelrod,

Petitioner,

v.

Carla Ericson,

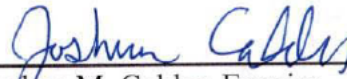
Respondent.

CERTIFICATE OF SERVICE

I certify that I have served the *Motion to Suppress Electronic/Oral Communications* on all counsel by email on May 14, 2026, addressed to all attorneys of record, as addressed below:

Heather S. von Herrman, Esquire
von Herrmann Law Firm
212 Elm Street
Conway, South Carolina 29526
hvh@vhlf.pro

Alexandra D. Varner, Esquire
Varner Family Law
814 Johnnie Dodds Blvd, Suite 103
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alex@varnerfamilylaw.com



Joshua M. Calder, Esquire
Calder Law Firm, LLC
1227 16th Avenue, #106
Conway, South Carolina 29526
(843) 446-7439
josh@calder-law.com

Date: May 14, 2026
Columbia, SC