

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Family Court

Family Court Case No. 2019-DR-08-1653

Ryan E. Terrell,

Petitioner,

v.

Bryan R. Terrell,

Respondent.

**RETURN TO PETITIONER'S MOTION TO SUPPRESS RECORDED
COMMUNICATIONS & RESPONDENT'S MOTION TO DISMISS**

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SC Court of Appeals

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STATEMENT OF ISSUES ON APPEAL

- I. DID RESPONDENT OBTAINED THE INFORMATION IN VIOLATION OF ELECTRONIC PRIVACY ACT?
- II. SHOULD THE EVIDENCE BE ALLOWED TO BE PRESENTED IN THE PENDING MATTER IN BERKELEY COUNTY FAMILY COURT?

STATEMENT OF THE CASE

On August 5, 2020, Richard G. Whiting, Esq., on behalf of his client, Ryan E. Terrell (“Petitioner”), brought this Motion to Suppress Recorded Communications against Bryan R. Terrell (“Respondent”) pursuant to South Carolina Code of Laws Section 17-30-110. S.C. Code 17-30-110 (2013). Petitioner alleges Respondent has unlawfully obtained intercepted communications. Respondent disputes this false allegation and is seeking to have the Motion to Suppress Recorded Communications dismissed. In the alternative, if this Honorable Court does not dismiss the Petitioner’s Motion, Respondent is requesting an opportunity for a hearing.

FACTS

The parties have been engaged in an ongoing dispute about the contents of the cell phone of one of the parties’ minor children for well over a year. Respondent discovered inappropriate text messages on his minor child’s phone on April 30, 2019. Respondent then surrendered the minor child’s phone to Dixon Hughes Goodman, LLP (“Dixon Hughes”) on May 2, 2019. On June 14, 2019, a portal of the text messages, videos, and pictures from the minor child’s phone was provided to counsel for Respondent by Dixon Hughes. At Petitioner’s counsel’s request, the portal was promptly shared with opposing counsel. On June 28, 2019, the parties attended a mediation in which the parties reached an agreement pertaining to the use of the contents of the phone for the case. Petitioner initially agreed and then later refused to sign the mediation agreement. This refusal

then lead to counsel for Respondent filing a Summons and Complaint on August 27, 2019. Berkeley County Family Court granted Respondent an Ex Parte Order Setting an Emergency or Expedited Hearing. In Petitioner's filed Answer and Counterclaim, she avers that she provided the cell phone to the child on April 29, 2019. Petitioner went so far as to express her gratitude towards Respondent for promptly retrieving the cell phone from the minor child upon discovery of the inappropriate messages and pictures Petitioner had been sharing with the minor child. Petitioner both admitted and referenced these inappropriate messages in her pleadings. The parties attended a hearing on November 6, 2019. At that hearing neither party objected to the affidavits and exhibits referencing the inappropriate messages and pictures. Petitioner did not claim illegal downloading of the messages until one month after the hearing, on December 9, 2019. The parties attended a subsequent hearing on February 19, 2020. The presiding judge, the Honorable Monet S. Pincus stated the content should not be used until the Court had a ruling on the admissibility of the content retrieved from the child's cell phone.

Petitioner and her counsel have been in possession of the portal for well over a year prior to commencing this action. Furthermore, Petitioner has referenced the messages and inappropriate content in her own submissions. Given the foregoing, the material extracted from the minor child's cell phone by Dixon Hughes should continue to be permitted to be used in the pending action between the parties.

ARGUMENT

- I. RESPONDENT VICARIOUSLY CONSENTED TO THE RETRIEVABLE OF THE INFORMATION FROM THE CHILD'S PHONE, THE WIRETAP ACT HAS NOT BEEN VIOLATED, PERMITTING THE DATA RETRIEVED TO BE UTILIZED IN THE ONGOING MATTER.

The issue is whether Respondent intercepted wire, electronic, or oral communications

pursuant to South Carolina Code of Laws.

Per South Carolina Code of Laws Section 17-30-30, one may intercept electronic communications at the consent of merely one of the parties. S.C. Code of Laws §17-30-30(c), (2002). Further, South Carolina case law has held a parent or guardian may vicariously consent on the behalf of a minor child if the parent or guardian has both a good faith basis and an objectively reasonable basis to consent for the child. State v. Whitner, 732 SE 2d 861 (2012).

In State v Whitner, a parent had concerns about what their child had been exposed to and the parent therefore believed that recording the conversation which the child was exposed to would help the parent to decide the best course of action in helping and protecting the child. The parent needed to know the extent of the exposure to determine the appropriate treatment for the child. In Whitner, the Court concluded the Wiretap Act contemplated and included vicarious consent, enabling the parent to consent to the recording on behalf of the minor child. In Whitner, the court relied on several cases, including Pollock v. Pollock, which allowed a parent to record conversations from a stepparent on the child's phone. Pollock v. Pollock, 154 F. 3d 601 (6th Circuit). The Whitner court also relied on other prior cases all of which permitted a parent to vicariously consent on behalf of the child so long as they had a good faith basis to do so. See Wagner v. Wagner, 64 F. Supp. 2d 895, 896 (D. Minn. 1999); Campbell v. Price, 2 F. Supp. 2d 1186, 1191 (E.D. Ark. 1998); Thompson v. Dulaney, 838 F. Supp. 1535, 1544 (D. Utah 1993); State v. Spencer, 737 N.W. 2d 124 (Iowa 2007); Alameda v. State, 235 S.W. 3d, 218 (Tex. Crim. App. 2007)

In the instant matter, Respondent became aware of his child being exposed to inappropriate material on the iPhone Petitioner gave to the minor child. Just as the parent in Whitner was

concerned for her child's wellbeing, so was Respondent. The information was placed onto a portal with Respondent's permission on behalf of the child to enable the parties to fully examine the situation and come to a resolution as to what could be done to help the child after he had been exposed to such lewd material as a result of the Petitioner's careless actions when she gave her phone to the thirteen-year-old child.

Respondent vicariously provided consent on behalf of his minor child for the data to be released to a portal. Additionally, Petitioner consented to the minor child being a party to her conversation and having access to all the inappropriate messages, photos, and videos stored on the iPhone when she placed the iPhone in the care and custody of the then thirteen-year-old child. Petitioner gifted the minor child with her iPhone without erasing and clearing the content and settings prior. Due to Petitioner's carelessness, she left her iCloud signed in and accessible when she presented her iPhone to the minor child. Had Petitioner reset the iPhone prior to gifting her child with the iPhone, these messages, photographs, and videos would not have been accessible.

Per the transcript from the parties' prior hearing on November 6, 2019 in the Berkeley County Family Court before the Honorable Randall E. McGee, Respondent became concerned for his son's wellbeing when the phone "began binging late at night. [Respondent] looked at it, and it was text messages between mother and mother's boyfriend; and all sorts of nudity pictures being exchanged. It is just beyond crass." (Transcript of Record, Page 4, Lines 15 through 18). This clearly evidences that Respondent, as the father and guardian of the minor child, had a right to intervene for his own child's wellbeing.

Counsel for Respondent would submit that Respondent vicariously consented to the recording on behalf of and in the best interest of the minor child. This Honorable Court has held

in the past that the Wiretap Act was intended to adopt the doctrine of vicarious consent. State v. Whitner. The recording on the portal squarely falls within the consent provision of the Wiretap Act, the act has therefore not been violated. The parties' child fell victim to the exposure of Petitioner's inappropriate material. Respondent vicariously consented to the recording on behalf of his thirteen-year-old son.

Petitioner references the transcript of a prior Family Court hearing between Petitioner and Respondent. Counsel for Petitioner did not reference a Court Order from the presiding judge, rather counsel for Petitioner reference's arguments between attorneys which pertain to the surrounding facts, which are clearly still in dispute. This reference by Petitioner's counsel is inappropriate as This Honorable Court is limited to determining if there is evidence that supports the Court's finding of a "good faith basis for intercepting and recording the phone conversation." State v. Whitner. Respondent's motivation, which is what Petitioner's argument presents, is not presently applicable.

Respondent would submit that, as the above demonstrates, the present case fits within the fact specific and applicable exception of vicarious consent as specified in State v. Whitner, also interpreting and relying upon Pollock v. Pollock. Respondent would therefore request a hearing as mandated by South Carolina Codes Annotated Section 17-30-110 and the United States Code Annotated Section 2511.

II. THE EVIDENCE SHOULD BE PERMITTED TO BE HEARD AND DECIDED IN THE PENDING MATTER IN THE BERKELEY COUNTY FAMILY COURT

The second issue is whether the evidence, supplied to both parties and their attorneys of record, should be permitted to enter into evidence in the pending matter in the Berkeley County Family Court.

Per South Carolina Appellate Court Rules Section 201, an aggrieved party may appeal from a final judgment or order. SCACR §201 (2009).

In this pending matter, no final order or judgment has been reached. This is an evidentiary issue. Traditionally, the decision to admit or suppress evidence, such as the data obtained on the portal, falls within the role of the trial judge. Petitioner is inappropriately refusing to allow the judge in the lower court to hear and decide this evidentiary matter within the ongoing pending action in Berkeley County Family Court.

CONCLUSION

For these reasons and such further reasons as may appear at any hearing to be set on the matter, Respondent hereby moves for this honorable Court to dismiss Petitioner's Motion to Suppress Recorded Communications or, in the alternative, Respondent would request to move for a hearing to be held by this Court as required by South Carolina Codes Annotated Section 17-30-110 and United States Code Annotated Section 2511, and an appropriate ruling to be made as to the communications to enable Respondent's introduction of the materials into the pending Berkeley County Family Court action. Respondent would also request any other action, rulings, and other relief as may be appropriate in this matter, including, but not limited to, an award of attorneys' fees, costs, and expenses associated with this action.

Counsel for Respondent affirms to this Court that she has, by copy of this Motion, notified opposing counsel, the Guardian ad Litem, and the Court below of this reply Motion.

Respondent would move for an Order of this Court permitting the use of the lawfully obtained material and any other related evidence in the lower court. Respondent believes the information should be limited to only the parties to the action, counsel for the parties, the Guardian

ad Litem, therapist for the parties and their children, experts involved in the matter, and the presiding judge.

For the reasons stated, this Court should dismiss Petitioner's Motion to Suppress Recorded Communications.

Respectfully submitted,

August 14, 2020



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STATE OF SOUTH CAROLINA)
) IN THE FAMILY COURT
COUNTY OF BERKELEY) 2019-DR-08-1653

BRYAN R. TERRELL,)
)
) PLAINTIFF,)
)
) VS.) TRANSCRIPT OF RECORD
)
)
RYAN E. TERRELL,)
)
) DEFENDANT.)

November 6, 2019
Moncks Corner, South Carolina

B E F O R E:

THE HONORABLE RANDALL E. MCGEE, Judge

A P P E A R A N C E S:

MARY J. MURRAY, ESQ.
Attorney for the Plaintiff

F.P. SEGARS-ANDREWS, ESQ.
Attorney for the Defendant

BONNIE M. BRITT
Official Court Reporter

EXHIBIT "A"

1 (The following hearing was held on November 6, 2019.)

2 THE COURT: All right. This is the case of Bryan -- is
3 it Terrell?

4 MR. TERRELL: Terrell.

5 THE COURT: Terrell vs. Ryan Terrell, 2019-DR-08-1653.
6 This matter is set before the Court today, I believe, for a
7 temporary hearing. Apparently, it was originally scheduled
8 for an emergency hearing back on August 29th, but for some
9 reason it was continued and reset for today. I do have both
10 of the parties present in the courtroom; plaintiff
11 represented by Ms. Murray, and the defendant represented by
12 Ms. Segars-Andrews. I have received packages for both
13 parties which I will, of course, make part of the record
14 here today. I'll give y'all about five minutes a piece to
15 give me some oral argument as to the relief you are
16 requesting in this matter.

17 And then, Ms. Murray, I'll give you the last argument
18 since you carry the burden of proof with the motion here
19 today. I'll be glad to hear from you.

20 MS. MURRAY: Yes, Your Honor. May it please the Court.
21 We're here seeking a change of custody. Quite frankly,
22 these parties have been working under a joint custody
23 arrangement since 2012. It has had its share of
24 difficulties, but as of late it is getting worse and worse.

25 Not included in my affidavits before the Court is some

1 information I just learned this morning that mother,
2 unilaterally, signed the oldest son up for football; did not
3 even consult with father; did not even tell father that
4 happened. He had to learn it from her son. This same child
5 has now had his phone taken away. Mother did not bother to
6 tell father.

7 It seems that mother is trying to set father up. And
8 why we're here and why we were originally here as an
9 emergency, but we thought we would try to negotiate and get
10 it resolved; but negotiations broke down at the last moment
11 is I think because my client is child focused.

12 My client found on his son's cell phone which first was
13 taken into his home without even knowledge that a new phone
14 was in existence -- he found a cell phone or he put up his
15 child's cell phone for the evening, and it began binging
16 late at night. He looked at it, and it was text messages
17 between mother and mother's boyfriend; and all sorts of
18 nudity pictures being exchanged. It is just beyond crass.
19 I think it's undisputed what was on that phone, actually,
20 did occur on the phone. I have the affidavit of the man who
21 made a carbon copy of the phone. We released the complete
22 portal of the entire phone to opposing counsel, and then we
23 began trying to negotiate a resolution.

24 We've been unable to negotiate a resolution because
25 mother is insistent on wanting the schedule to somehow track

1 her new boyfriend or new husband -- I believe, he's a common
2 law husband. We haven't seen a marriage certificate, yet --
3 but track his schedule as opposed ---

4 THE COURT: We don't have common law marriage anymore,
5 Counsel.

6 MS. MURRAY: I believe, if ---

7 MS. SEGARS-ANDREWS: Your Honor, they're married.

8 MS. MURRAY: Okay. Well, then, so that eliminates that
9 issue. But at the time we were negotiating, it was about
10 Mr. Crawford. It was in June -- I believe, late June before
11 our opinion came down about common law. So our initial
12 agreement acknowledged a common law marriage. But in any
13 event, despite what -- what the important thing about what
14 is on that phone is not so much the crass language; the
15 pictures; whether the son saw it or not, I think that
16 remains to be seen. I think there's evidence that it will
17 take many years, probably, to get to the truth of exactly
18 how much this child saw if anything.

19 What that phone does is it shows us a glimpse into
20 mother's heart and her husband's heart, and to what kind of
21 people they are; that they spend their days, hours at a time
22 with neither of them working, texting and bashing everyone
23 and everything; plotting the demise of my client; bashing
24 his spouse. Just talking about an incident set forth in my
25 affidavit for example on Thanksgiving, mother says, laughing

1 with Mr. Crawford, The children -- one of the children is
2 sick. I'm not going to send the doctor's note over. I
3 think I'll save that little splendor until they're on the
4 road on their road trip; that she sent them with a sick
5 child without the doctor's note; more disgusting
6 conversations about withholding his time and setting him up.

7 At Christmas, she acknowledges Christmas vacation. He
8 shows up on Christmas morning, and they seem to be laughing
9 about the fact that, Yeah, I didn't come to the door until
10 after 9:00. Now, that we're married, we're going to get a
11 big new house with a gate; and make him wait outside and
12 ring the bell all day, and not let him trespass.

13 It just shows just blackness. And this is what the
14 children are being exposed to. So mother's going around
15 doing ---

16 THE COURT: Well, how do you know the children are
17 being exposed to that if it's communications between her and
18 her husband? They don't sound like they're nice or, maybe,
19 even appropriate, but if they're confined to the two of them
20 talking, how do you know that's been relayed to the
21 children?

22 MS. MURRAY: Well, through the children's therapist, we
23 know that the children are saying, Mama says, Mama says; and
24 constantly criticizing father that you don't have this at
25 your house, or you don't have this at your house. So

1 there's things being shared, and I think that's why we need
2 a guardian ad litem. And I think -- we have agreed to the
3 guardian ad litem. And I think in my packet I sent the
4 consent order appointing her.

5 THE COURT: Who did you agree to?

6 MS. MURRAY: Maria Averill.

7 THE COURT: Is that correct, Counsel?

8 MS. SEGARS-ANDREWS: That's correct, Your Honor.

9 THE COURT: She's a fine guardian. I have no problem
10 with appointing her.

11 MS. SEGARS-ANDREWS: Your Honor, we have also disclosed
12 that there are some -- she -- I was, actually her mentor
13 when she first started practicing; and my client years ago
14 rented space, but...

15 THE COURT: And y'all have talked about that?

16 MS. MURRAY: We've discussed that, and it's the
17 therapist's recommendation is who this guardian is for us.
18 Because we also believe that there's parental alienation
19 going on with some of the things that mother is saying. So,
20 also, we've had -- mother just keeps shutting father
21 completely -- or doing her best to shut the father
22 completely out. This summer, after we thought we had an
23 agreement to go week on week off -- and they discussed it
24 with the therapist -- the children were quite happy.
25 Knowing a lawsuit was coming, mother hasn't changed her

1 behavior. She continues in her own email to say, Well,
2 here's what I really said about the new schedule. It's
3 because if Daddy has his way, he'll hardly ever see Drew.

4 My client acknowledges Drew is a problem. They are
5 letting the children -- and they are talking to the children
6 about vote -- there's four step parents; who do you like the
7 best, vote. I'd like to have him spend the night with me
8 when we go on holiday; do you children approve of it?

9 That's just not child-focused behavior. And so that's
10 why we're here. We tried to ---

11 THE COURT: So what is your client looking for? You're
12 running out of time.

13 MS. MURRAY: My client is looking for sole custody; mom
14 to have every other weekend, Friday to Monday. And because
15 there are activities that mother wants the child -- the
16 children to have -- let her also have each and every
17 Wednesday. That would still allow mother's new husband to
18 spend time with the children if the Court deems it
19 appropriate. We're also looking for mother to advance the
20 guardian ad litem and all the therapy fees since, I believe,
21 we're here as a result of her conduct. Thank you.

22 THE COURT: Thank you.

23 Ms. Segars-Andrews, be glad to hear from you.

24 MS. SEGARS-ANDREWS: Thank you, Your Honor. Your
25 Honor, my client made a technical mistake that allowed her

1 I-Cloud information to download to her son's phone. So
2 they, now, have her past, present, and innermost thoughts.
3 She admits that mistake. Fortunately, according to the
4 child's therapist, Dr. Henderson, the child, Henry, didn't
5 see anything.

6 Since that time, my client has talked with an IT
7 expert, and has learned how this might have happened; and
8 it's explained in our affidavit to assure that this never
9 happens again. But, unfortunately, Mr. Terrell downloaded
10 everything. And he is using her innermost thoughts against
11 her. And he has even provided that information to the
12 children's therapist.

13 Mr. Terrell states everything he feels that Ryan has
14 done wrong in paragraph nine of his complaint. Ryan, my
15 client, through her answer and verified counterclaim,
16 through paragraph four and 24, explains the text messages
17 and things. And most of what he says is taken out of
18 context. Ryan did talk poorly about Mr. Terrell in her
19 texts to her husband and friends -- her husband and
20 girlfriend. But, Your Honor, who else do you vent to? She
21 didn't talk bad about him to the children. But you vent to
22 your husband and you vent to your girlfriends.

23 Mr. Terrell is angry at Ryan to the point that he
24 cannot put his love for his children above his anger towards
25 Ryan. You will see that in the affidavits, Your Honor. He

1 can't stand being in the same room with her. And the
2 children feel it. When they're at plays together,
3 children's events, the children are afraid to speak to my
4 client if their father brings them. He disciplines the
5 children inappropriately to the point some time they don't
6 want to go over there; and that's been a big problem.

7 He doesn't put the children first. If any of the
8 children's activities interfere at all with his schedule,
9 the children miss their events. It appears that his anger
10 has also spilled over to his wife, because his wife has
11 called my client "trash," and the children have come home
12 and told her that. That will be the woman who takes care of
13 these children if he gets custody, the step-mother who
14 thinks my client is trash.

15 Your Honor, contrast his behavior with Ryan's. My
16 client is child centered. You will see from the affidavit
17 that we were able to put into evidence because of the time,
18 that she goes to every appointment; every game; every school
19 event; she has been present for everything. Look at
20 Stephanie Blunt's affidavit. You will see she's present for
21 everything. And in three years that her son has been best
22 friends with one of these children, he's been present one
23 time.

24 My client is the one that picks them up when they're
25 sick. She has a good relation with her children's friends

1 and her children's friends' parents, unlike the father. She
2 has encouraged the father to spend time with these children.
3 He went for years where he wouldn't take his Tuesday nights.
4 She constantly was encouraging him to do that.

5 My client is a stay-at-home mom. These children are
6 doing well. There are some issues, and, Your Honor, it's
7 because of his anger. If we're here to punish my client
8 because she's not technologically savvy, and she vented to
9 her friends about her ex-husband, then Mr. Terrell should
10 get custody. However, if we're here for the best interest
11 of these children, they should remain with my client who has
12 been their primary caretaker since they were born, and who
13 has done a good job.

14 Your Honor, these children are all making great grades.
15 Your Honor, I sent Ms. Murray an email on October 20th
16 requesting we get a guardian -- I'm sorry, October 3rd, a
17 month ago. So that we could have a guardian investigate
18 before we come here today. She didn't respond. If a
19 guardian investigates this, Your Honor, they will never
20 recommend that my client lose custody. This man is angry
21 and the children feel it.

22 Your Honor, we're asking that the October 2012 order
23 remain in effect until the guardian -- at least until the
24 guardian has investigated, and looked at -- they can look at
25 everything this man has produced on this phone because his

1 texts to my client are awful. You can feel his anger.

2 Thank you, Your Honor.

3 THE COURT: Thank you.

4 You've got two minutes.

5 MS. MURRAY: Yes, Your Honor. This is the first I've
6 heard that Mr. Terrell is angry. If Mr. Terrell was angry
7 he certainly would not have tried to work this out and reach
8 a fifty-fifty agreement -- which they did and then acted on
9 until the start of the school year much to the happiness of
10 the children and the therapist.

11 After the fifty-fifty agreement went away because
12 Ms. Terrell wanted to switch the weekends completely around
13 to accommodate her husband, things started again
14 deteriorating. It's because, I think, Ms. Terrell -- the
15 former Ms. Terrell has a burning desire to make sure her new
16 husband is accommodated; nobody else, but her new husband
17 which is why we're asking that the rotation that's been in
18 place for seven years accommodate the only man who's
19 working; who has a job; the only step-parent -- he's the
20 breadwinner for the family. So that's why I think it's
21 deteriorated.

22 But to say that my client gave the therapist the
23 information on the phone, that's not true. He shared with
24 the therapist what the children may have seen. But he did
25 not share what was -- anything regarding that phone. The

1 therapist were requesting the complaint which was given, but
2 that's all that has been done. And I think the complaint
3 speaks for itself. Talking with an eight-year-old saying,
4 I'm going to let you know one day that he's not your real
5 dad, because your dad adopted him because during the
6 marriage I stepped out and had a child with somebody else.

7 And this angry man has adopted this child, and has kept
8 this child as his own. This is not an angry man. This is a
9 mother who wants something better for herself, not her
10 children. Thank you.

11 THE COURT: All right. Thank you.

12 MS. SEGARS-ANDREWS: Your Honor, we do have one
13 agreement that we would agree to.

14 THE COURT: What is that?

15 MS. SEGARS-ANDREWS: If the husband would agree to get
16 the children to their extracurricular activities and events,
17 we would -- my client would agree to a week-on-week-off
18 schedule.

19 THE COURT: Did y'all agree to that?

20 MS. MURRAY: We had agreed to a week-on-week-off
21 schedule, but then they wanted to flip flop when the weeks
22 changed to change it to an exchange on a Monday after we
23 went through a mediation exchanging it on a Friday. So
24 they're ---

25 MS. SEGARS-ANDREWS: Your Honor, when we didn't have an

1 agreement, I told my client to go back to the only order
2 that was in place.

3 THE COURT: All right. I'm going to take the matter
4 under advisement. If y'all reach some agreement before I
5 send out a memo of decision to you by email, please let me
6 know; and you can submit a consent order to me. Otherwise,
7 you've made your arguments; you've presented your packages
8 to the Court. Just for edification of the parties, this is
9 how I do this. When I take a matter under advisement, I
10 take notes on the legal arguments that are made in the
11 courtroom, and then I read these outside of the courtroom,
12 because your lawyers have worked very hard to prepare these
13 for me, for me to review in a fashion in which I can take it
14 all in. Fifteen minutes in the courtroom, I don't think is
15 sufficient for me to do it. I'm not saying other judges
16 can't do it, but I can't do it. I'll be the first one to
17 tell you. So I'm going to take these and I'm going to read
18 them. And after I read them, then I'm going to come to a
19 conclusion; I'll make a decision, and I'll let your
20 attorney's know; and I'll direct one of them to prepare the
21 temporary order. Again, if you reach some sort of an
22 agreement before that time, y'all let me know just as
23 quickly as you can. Thank you.

24 MS. MURRAY: Thank you, Your Honor.

25 MS. SEGARS-ANDREWS: Thank you,

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CERTIFICATE OF REPORTER

I, the undersigned BONNIE M. BRITT, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Family Court for Berkeley County, South Carolina, on the 6th day of November 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 12, 2020

Official Court Reporter

Aug 14 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Family Court

Family Court Case No. 2019-DR-08-1653

Ryan E. Terrell

Petitioner,

v.

Bryan R. Terrell,

Respondent.

PROOF OF SERVICE

I certify that I have served the foregoing Return to Petitioner's Motion to Suppress Recorded Communications & Respondent's Motion to Dismiss (with attachment) via email and via U.S. Postal Service on August 14, 2020, to the following addresses:

Richard G. Whiting, Esquire
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The Honorable Leah Guerry Dupree
Post Office Box 219
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Leah.Dupree@berkeleycountysc.gov

August 14, 2020



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RECEIVED

Aug 14 2020

SC Court of Appeals

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August 14, 2020

VIA EMAIL

The Honorable Jenny Abbot Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211
ctappfilings@sccourts.org

Re: Bryan R. Terrell v. Ryan E. Terrell
Family Court Case No.: 2019-DR-08-1653

Dear Ms. Kitchings,


Enclosed, please find Respondent's Return to Petitioner's Motion to Suppress Recorded Communications & Respondent's Motion to Dismiss. By copy of this correspondence via email, I am also serving copies of this return on attorneys for Petitioner, the Guardian *ad Litem*, and the trial court.

If anything else is needed, please do not hesitate to contact my office.

With kind regards, I remain on behalf of

HINCHEY, MURRAY & PAGLIARINI, LLC,

Sincerely,


Keely M. Carter
Associate Attorney

Enclosures

Cc: Dick Whiting, Esquire, Attorney for Petitioner (via email)
F.P. Segars-Andrews, Esquire, Attorney for Petitioner (via email)
Lori D. Stoney, Esquire, Attorney for Petitioner (via email)
Maria Averill, Esquire, Guardian ad Litem (via email)
Berkeley County Clerk of Court (via email)