

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Family Court

SC Court of Appeals

Family Court Case No. 2020-DR-10-2130

Appellate Case No. _____

Jennifer Renee McMaster,

Petitioner,

v.

James Michael McMaster,

Respondent.

MOTION TO SUPPRESS RECORDED COMMUNICATIONS

This matter comes before the Court on behalf of Petitioner (Defendant in the pending action before the Family Court for Charleston 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, Petitioner moves before this Court for an Order to suppress intercepted communications between Petitioner and non-parties, and between Petitioner and the minor child and Petitioner's family members by the Respondent.

Petitioner makes this Motion on the following grounds:

1. Petitioner was made aware of intercepted communications between herself and non-parties and between her and the parties' minor daughter on or about February 22, 2021 and February 23, 2021. Attached hereto as Exhibit "A" is the Notice, Memorandum in Support, and Emergency or Expedited Motion for Temporary Relief filed by Respondent herein (Plaintiff) wherein set out at Paragraph 4 in Respondent's Memorandum, Respondent purchased on August 30, 2020 via Amazon a "spycam" which he placed in the former marital residence with the intent and purpose to record certain conversations taking place the home. It is important for this court to note that the Petitioner (Defendant/Mother) was given the exclusive use and possession of the former marital residence by the Family Court where she resides with the parties' minor daughter. At Paragraph 7 of Respondent's Memorandum, Respondent confirms that he left the former marital residence on November 3, 2020 but that the recording device remained in the home and continued to record as it had been since September 2020. It is unknown when exactly the recording ended, but at Paragraph 17 of Respondent's Memorandum it is suggested that the recordings may have continued for so long as February 16, 2021. As stated hereinabove, Petitioner's counsel became aware of these recordings on February 22, 2021 and February 23, 2021 when these recordings were provided to counsel for Petitioner.

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2. Some of the recorded conversations of the parties' minor daughter appear to have been between the Petitioner herein, the Petitioner's mother and stepfather, and the minor daughter and also between the Petitioner herein and Petitioner's family members. The identification of how many conversations and between which parties or persons those conversations occurred cannot be determined as neither Petitioner nor her counsel has reviewed the recordings even though Respondent attempted to forward on to Petitioner's counsel transcripts of the conversations and further Respondent provided to the court, along with his motion attached hereto, transcripts and copies of those recorded conversations.

3. The actions of Respondent are clearly interception of oral conversations between Petitioner, Petitioner's family members, the parties' minor daughter, and possible additional unknown individuals. Respondent has gone so far as attempting to file with the Family Court the recordings themselves and the transcripts of the recordings, however those recordings and transcripts were rejected by the Honorable Daniel E. Martin, Jr. who had earlier instructed the Clerk of Court to not accept those recordings or transcripts of recordings until this matter was addressed by this honorable court.

4. Petitioner herein has now discovered that Respondent has had installed or has installed multiple devices, at least one device capable of visual and audio recording in the residence occupied by Petitioner and the parties'

minor daughter. Attached hereto as Exhibit "B" are photographs of the various devices which have been installed in the former marital residence, including one device that had visual recording capacity and separate audio recording capacity which was hard-wired in to an "aero-garden" light that was being used to grow a basil plant. This device, of course, does not have the ability to distinguish who is having discussions with whom, although Respondent has attempted to allege that he did this with a good faith basis of concern for the health and safety of the parties' 16-year-old daughter.

5. Counsel for Petitioner would submit that on its face the actions of Respondent in intercepting oral conversations between Petitioner and non-parties and between the parties' minor daughter (aged 16) and Petitioner and Petitioner's family members 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 conversations 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.

6. 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 to 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.

7. Respondent argues before this court that in some fashion he has the ability to consent on behalf of the parties’ 16-year-old daughter to the recording of these conversations based upon the theory of the case for “vicarious consent.” Respondent cites the State v. Whitner case in support of his argument. As set out in Paragraph 37 of Respondent’s Memorandum, the courts have not given Respondent unlimited ability to the recording of conversations between the 16-year-old daughter and other individuals, including Petitioner, and certainly has not given any allowance for the recording of Petitioner’s conversations with any other individuals. As Whitner sets out, the court must also look to see whether Respondent has a “good faith objectively reasonable basis for believing that it was necessary and in the best interest of child to consent on behalf of his or her minor child to the interception taping of telephone conversations...” However,

Respondent herein offers no basis why he believed "in good faith" he needed to leave a continuously recording device in the home occupied by Petitioner and the minor child which would record all conversations between any individuals who were within earshot of that device. The court must also consider whether or not the child was of age and maturity where she could have given consent on her own or withheld consent. Clearly this 16-year-old young lady had the ability to give or withhold her consent.

8. The actions of Respondent have left no option to Petitioner but to seek an order of this court suppressing the release of these intercepted oral conversations 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 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 conversations 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 verifies that he attempted in good faith to resolve this matter prior to filing this Motion to no avail. Counsel also affirms to this Court that he has, by copy of this Motion, notified opposing counsel, the Guardian ad Litem, and the Court below of this Motion.

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

Respectfully submitted,



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March 15, 2021

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

JAMES MICHAEL MCMASTER,

Plaintiff,

vs.

JENNIFER RENEE MCMASTER,

Defendant.

IN THE CIRCUIT COURT
NINTH JUDICIAL CIRCUIT
CASE NO. 2020-DR-10-2130

**NOTICE, MEMORANDUM IN SUPPORT
AND EMERGENCY OR EXPEDITED
MOTION FOR TEMPORARY RELIEF**

YOU WILL PLEASE TAKE NOTICE that Rhett D. Klok, Esquire, Attorney for the above-named Plaintiff, will respectfully move before the Judge of the Ninth Judicial Circuit, at the Charleston County Family Court located at 100 Broad Street, Charleston South Carolina on the ____ day of _____, 2021, at ____ o'clock ____ .m in Courtroom ____ for an Order granting the Plaintiff the following as detailed below. The Plaintiff is requesting this matter to be heard on an emergency or expedited basis for the following reasons

Statement of Facts

1. On or about August 21, 2020, the Plaintiff Father was accused of verbal/physical abuse and threats made against the Plaintiff Mother to the Mount Pleasant Police Department. (See Exhibit 1, ¶'s 1-3).
2. The Police upon investigation of the same found no proof to substantiate the claims made by mother and daughter then a different set of facts were reported to the South Carolina Department of Social Services (SCDSS).
3. This time it was claimed that Mother had been held down physically by her husband on top of her and while they she was unable to breath. Strangely, the same set of facts of physical abuse by the Plaintiff were echoed by his daughter (which later as it turned out daughter stated in a joint therapy session with her father, and Dr. Jeffrey Marcino was a tickling incident). (Id.at ¶'s 4-7).

4. To protect himself against the possibility of false accusations, and relying on the advice of previous counsel, Father purchased on August 30, 2020, via Amazon and installed a spy cam in the marital home Livingroom which is part of the open floor plan facing the kitchen and kitchen table area of the parties' marital home to record his conversations and activities with Mother (See Exhibit 2. the Device and receipt) and (See Exhibit 1, ¶ 10).
5. During this time upon information and belief the Defendant and the minor child went to live with Maternal Grandparents, Nancy Rosia and Robert Rosia. (Maternal Grandfather is in fact a step Grandfather) in Florida for a period of time sometime between August 2020 and November 2020. The minor child has been attending school remotely during this time until the present. (See Exhibit 1, ¶ 11).
6. After the Police Report and allegations by mother and daughter of any potential gun involvement had not yielded any criminal charges or an arrest of Father. The mother and daughter changed their story as reported to SCDSS, this time involving physicality by father with no mention of the gun threats made to the Mount Police Report.
7. SCDSS instituted a safety plan while its investigation was ongoing and Father eventually left the marital home to the Defendant and their daughter on November 3, 2020, in accordance with a consent order entered by the parties. (See Exhibit 1, ¶ 8). The recording device remained in place where it had been placed since September 2020. (See Exhibit 1, ¶ 8). The device itself is a USB tower is part or next to of the home sound system and has a sound activated camera.
8. The function of the device is that it records or activates with sound and like a security surveillance camera records over itself over a period of time. When activated it records for approximately 2-minute intervals at a time. (See Exhibit 1, ¶ 10).
9. The SCDSS conducted its investigation determined the accusations of violence against the Father were unfounded and the case closed administratively. Father brought the current action herein forward.

10. Father's visitation with minor child was suspended for approximately six (6) months, and the father engaged in reunification therapy plan working together with the GAL's recommendations and therapists.
11. Discussions between the GAL and the parties' attorneys resulted in a consent order and agreement regarding the normalizing of father's custodial time with his daughter. This involved joint therapy sessions between father and daughter and Dr. Jeff Marcino. These sessions would progress where father would read a clarification letter to his daughter after working with the GAL, Dr. Marcino and the child's therapist, Dr. Davis Henderson. The clarification letter would be read by father to his daughter with Dr. Henderson providing the therapeutic oversight of the process. Other than the therapeutic letter Dr. Henderson has had no observation of the father daughter dynamic. Following the clarification supervised visitation would quickly progress to unsupervised day visitation with eventual overnight visitation between father and daughter. (See **Exhibit 1, ¶ 15**).
12. The Plaintiff attended Dr. Marcino's therapy sessions with his daughter for the first time on 12/28/20 under the therapeutic setting this was the first time he saw her since August 21, 2020. This included Father writing and reading a clarification letter to his daughter. During the therapy sessions Father attended separate individual therapy sessions in addition to joint therapy with the minor child 01/05/21, 01/12/21, 02/02/21, 02/09/21, 02/17/21, 02/23/21 and 03/02/21. (See **Exhibit 1, ¶ 's 16-18**).
13. During the course of the scheduled father/daughter therapy sessions with Dr. Marcino the Defendant cancelled at least two scheduled sessions prioritizing the minor daughter's extracurricular school activities over the reunification therapies sessions with Dr. Jeff Marcino and her father during the month of January(See **Exhibit 1, ¶ 18**).
14. Dr. Jeff Marcino discussed with plaintiff that given what he observed he believed that alienation could be involved. Which was mentioned in the Plaintiff's individual therapy session of 01/18/21 and 02/08/21. It was Plaintiff's belief, based on his daughter's behavior and his impression based

on Dr. Marcino's comments and Dr. Henderson's that the therapy sessions were getting not progressing in a manner that fit the allegations against father by daughter. That alienation could be involved at the time of his first supervised parenting time approached. (See Exhibit 1, ¶ 16-23,).

15. The therapist for the minor child is Dr. Davis Henderson. It is important to note that Dr. Davis Henderson although had been in consultation with Dr. Marcino, had not had an opportunity to observe the relationship dynamic between Father and daughter with the one exception of the clarification letter. His task in this case was to be the minor daughter's therapist. Based on agreement between the parties and discussion with the GAL Father, prepared a clarification letter that was reviewed by Dr. Marcino, the GAL and Dr. Henderson for approval. The letter was read it to his daughter with Dr. Henderson's supervision on 02/17/21. One or two days prior to the reading of the letter the Plaintiff met with Dr. Henderson and during that discussion the Plaintiff was believed he was told, words to the effect by Dr. Henderson, that he did not believe there was severe alienation but that it could be mild to medium alienation. (See Exhibit 1, ¶ 22).
16. The Plaintiff believed based on his daughter's lack of progress the comments made by Dr. Marcino in observing the dynamic between his daughter and him during his therapy sessions and Dr. Henderson's comments to him that he was being alienated. (See Exhibit 1, ¶ 8).
17. It was the combination of Dr Jeff Marcino and Dr. Davis Henderson comments to Plaintiff and on alienation and his daughters lack of progress since December 2020 in their joint therapy sessions that prompted him to start looking at the tapes starting around 02/16/21. On Friday 02/19/21 counsel became aware of the tapes based on the client's concerns. (See Exhibit 1, ¶ 23).
18. These tapes were provided to counsel on 02/22/21 and 02/23/21.
19. The GAL and opposing counsel were informed about the tapes and later provided with case law on the Vicarious Consent exemption to the Wiretapping laws as applied in the State of South Carolina. Specifically, sending the parties State v. Whitner, 732 S.E.2d 861, 864, 393 S.C. 547, 553 (S.C. 2012) which is controlling law in South Carolina.

20. Unable to get both the GAL and opposing counsel on the phone, plaintiff's counsel contacted each separately on 03/02/2021. Informing them of his intent to reach resolution or file the instant motion requesting relief. Opposing counsel and plaintiff's counsel agreed to discuss further once they had an opportunity to review tapes.
21. Copies of the tapes with a rough index of the same were sent via courier to be opposing counsel and the GAL on 03/03/2021 in the morning run. (See Exhibit 1, Attachments 3 & 4).
22. Instead of continuing to converse or meeting their Rule 11 obligation opposing counsel filed an Expedited Motion to Disqualify Plaintiff's Counsel and Motion in Limine. These motions fail to mention or address the issue related to the Vicarious Consent Exemption of which they were well aware. This was done in their rush to file first in court in attempt to take advantage of the expedited/emergency process to pre-empt this motion which was still in discussion was done in bad faith and in order to seek legal advantage.
23. In fact, the Wife's false accusations of gun threats and the story changed to physical abuse alleging husband got on top of her with her inability to breath. Was strangely echoed by daughter and served to provide an advantage of a safety plan and deprived father of his parental rights to his daughter from August 2020 through February 2021. All claims of any physical abuse have been unfounded but served their purpose to restrict father and make a case of verbal abuse between spouses become a potential criminal domestic violence case.
24. Father's review of the tapes uncovered multiple, routine, and extensive conversations between the minor child, mother, the maternal grandmother and the maternal step-grandfather. These tapes show the minor child is being coached to alienate him and also apprised of the ongoing litigation on a day to day basis. The mother and maternal grandparents are acting in a way that is against the best interest of the minor child and actively alienating father from his daughter. In effect divorcing daughter from her father.
25. Based on the tapes and the relationship father/daughter dynamic it is reasonable to assume that mother engaged in alienation and regularly exposed the minor child to litigation. It is reasonable

to assume that mother has engaged in coaching/alienating behaviors with her daughter from before this case started when she first reported the incident to the Mount Pleasant Police Department in August of 2020. Where unsubstantiated gun threats were made, then failing this allegation. The story from mother and daughter evolved in concert where both mother and daughter had matching stories of dad's physicality against them, mainly holding them down and their inability to breath. As it turns out mother, daughter and maternal grandparents have been routinely caucusing and seeking advantage in a divorce proceeding that ultimately led to Father being alienated from his daughter and unable to have any custodial time from August 2020 to February 2021.

26. Mother and her Maternal Grandmother have either wittingly or unwittingly engaged in routine disparagement of Father in front of daughter and drawing her into her marital dispute with her father. The effect has been very destructive on father's relationship with his minor daughter. The Mother and/or daughter have been reporting being "traumatized" to the GAL but these tapes suggest that a coordinated effort has been orchestrated by the Mother, Daughter and Maternal Grandparents to exaggerate Father's anger to the point of physicality in order to have advantage in the litigation.
27. As way of example, on the recording of 02/19/21 the day before father is to have his first supervised visitation with his daughter, at 11 minutes with 54 seconds forward maternal Grandmother coaches the minor child, "just tell him you do not want to do it anymore...say I am done with it." In referencing therapy. In the same recording in talking about therapy with father at 12 minutes and 23 seconds on the recording daughter says, "It's pointless and Maternal Grandmother encourages that sentiment. At 13 minutes and 20 seconds the Defendant asks, What are you [daughter] going to do if he [father] tries to hug and kiss her?" Maternal Step Grandfather answers "Back off!" Maternal Grandmother later adds "I think you just back up." This coaching continues until the end of the recording. (See Exhibit 1, Attachment 3, Video: 20. 2021-20-19-

21-11)¹. It is clear from the recording on 02/19/2021 13 of the 23 two-minute segment recordings and involves two videoconference calls one in the morning and the second at night. (See Exhibit 1, Attachment 3, Videos: 7-15 and 16-19 respectively). These conversations were done precisely one day before Father had his first supervised visitation with his daughter in effect his first time with her without a therapist since August of 2020. It is clear from the Video segments that mother and maternal grandparents are coaching her in a way that is destructive to his relationship with his daughter. Totally and inappropriately alienating her from her father.

28. Following daughter's return from her supervised visitation with father on Saturday 02/20/21, Mother is talking to her daughter in the living room while watching TV again discussing the litigation and talking about the disputes in the litigation between the parties. Effectively involving the minor child in her perspective of the dispute and alienating the child from her father during the course of the whole recording. Daughter is out of frame on a couch next to her mother as she talks. (See Exhibit 1, Attachment 3, Video: 23: 2021-02-20).
29. Father is requesting that temporary custody of his minor daughter revert to him at least through August 2021, and that Father and daughter intensify their therapy with an emphasis on alienation at Mother's expense. Additionally, Father asks that Mother have sight and sound supervision during her custodial time and the court enjoin the Parties from permitting contact with the maternal grandparents until this litigation ends. Additionally, Mother should attend parenting therapy with an emphasis on alienation sensitivity at her expense to stop such behavior exhibited in the tapes that clearly involves incessant discussion over litigation matters, disparagement of father, and coaching as to paternal reunification efforts. Mother's behavior has either contributed directly or indirectly to Father's isolation from his daughter for six months (constructive TPR) and frustrated any positive attempts to rebuild the relationship with his daughter since therapy at

¹ The videos must be listened to utilizing headphones and a good multimedia/movie application on a computer.

the recommendation of the GAL commenced. As a result of her behavior she should be responsible for the expense involved in the therapy and pay attorney fees relative to this motion.

Law and Argument

30. South Carolina adopted the South Carolina Wiretap Act in 2002, codified in S.C.Code Ann. §17-30, *et al.* The Act is mirrored after the Federal Omnibus Crime Control and Safe Streets Act of 1968.
31. “The Wiretap Act is violated when a person intercepts oral communications that are not otherwise exempt from or subject to an exception contained in S.C.Code Ann. §17-30-30.” State v. Whitner, 732 S.E.2d 861, 864, 393 S.C. 547, 553 (S.C. 2012). Said evidence must be suppressed. Id.
32. “However, when a party to a communication gives consent for the communication to be intercepted, such recording does not violate the law.” Id., *citing* S.C.Code Ann. §17-30-30(C).
33. Federal courts have long agreed said consent may be vicarious, specifically finding as lawful situations where a parent may vicariously consent on behalf of a child to intercept the communications. *See* Pollock v. Pollock, 154 F.3d 601 (6th Cir.1998) (mother lawfully recorded conversations between daughter and step mother); Thompson v. Dulaney, 838 F.Supp. 1535, 1544 (D.Utah 1993) (federal wiretap doctrine permits vicarious consent because a parent has a duty to act in the best interest of their child).
34. “...[W]hen our Legislature enacted the Wiretap Act, it was well aware of the majority rule concerning construction of the Federal Act in allowing for vicarious consent.” Whitner, 732 S.E.2d at 865, 393 S.C. at 555.
35. The court in Whitner provided the following, pertinent discussion of parental, vicarious consent:

‘Consent’ is a broad term and is defined as ‘agreement, approval, or permission as to some act or purpose.’ *Black’s Law Dictionary* 346 (9th Ed. 2009). The law recognizes different kinds of consent, including express, implied, informed, voluntary, and parental. Parental consent is defined as ‘[c]onsent given on a minor’s behalf by at least one parent, or a

legal guardian, or by another person properly authorized to act for the minor, for the minor to engage in or submit to a specific activity.’ Id. We believe the various types of consent recognized in the law support the result we reach today in discerning legislative intent to include vicarious consent. In sum, we believe the court of appeals correctly determined that the consent provision in the Wiretap Act includes vicarious consent. Whitner, 393 S.C. at 556-556.

36. It is clear from the holding in Whitner, South Carolina courts recognize a parent’s ability to vicariously consent to a recording on behalf of a minor child. However, said ability is not without restrictions, limitations, or standards.
37. For instance, federal courts have reasoned “as long as the guardian has a good faith, objectively reasonable basis for believing that it is necessary and in the best interest of the child to consent on behalf of his or her minor child to the taping of telephone conversations, the guardian may vicariously consent on behalf of the child to the recording.” Thompson, 154 F.3d at 610.
38. Correspondingly, Whitner first held, “[t]he parents’ motivation in recording the telephone conversation is a question of fact.” Whitner, 732 S.E.2d at 866, 399 S.C. at 557. The court next determined its duty was to ascertain, “[w]hether there was any evidence supporting the court of appeals’ finding that the parents had a good faith basis for intercepting and recording the phone conversation.” Id.
39. The facts in Whitner are comparable to those herein. The minor child’s father, in good faith, believed the interception of the video recording, would uncover alienation by mother. (See Exhibit 1, ¶’s 16-23, 29).
40. In the case herein, Mother has established, proven, and of disparaging Father directly to the minor child as hereinabove set forth. Mother also has an established, proven, and confirmed history of portraying the father to the child in a negative light and involving the child with her perspective and grievances against father, with the intent or effect to purposefully set Father up as a villain. This behavior was further reinforced by the Maternal Grandparents.
41. Notably, Father had a reasonable, good faith basis for intercepting the recordings between the minor child and Mother. Said good faith basis was premised upon the therapist comments, mothers’

comments to him of what daughter while in front of him and daughters behavior/progress during the therapy sessions. The belief by father the minor child was purposefully being alienated from furthering his parent-child relationship, and in light of Mother's above referenced, notable transgressions against Father. Father believed his interception of the recordings was vital, necessary, and in the best interest of the minor child to assist him in determining the best course of action regarding the minor-child's reunification therapy plan and to stop the behavioral dynamic of the maternal grandmother, mother, and maternal step grandfather involving the minor child in the litigation, disparaging the father, disparaging the process of reunification, coaching the minor daughter in how to frustrate any therapy for reunification for father, and alienate father from daughter further .

42. Due to the Defendant's behavior she should be responsible for the expense associated with any alienation therapy and attorney fees.
43. It is the Plaintiff's contention based on the facts and circumstances outlined above they comport with the requirements of Moss v Moss, 274 S.C. 120 (1980). The Defendant's behavior of alienation, coaching, frustrating the parties' therapy process, and damaging the Father/Daughter relationship is an ongoing and continuing change in circumstance affecting the best interest of the child. These facts rise to the level of a substantial change of circumstances sufficient to grant Plaintiff's motion for Temporary Relief.

Prayer for Relief

WHEREFORE, the Father respectfully requests the Court of the following relief:

- a. Finds a Substantial Change of Circumstances has occurred given Defendant's behavior.
- b. To allow this motion to be heard as an emergency or conversely on an expedited basis given the Defendant is continuing to damage the Plaintiff's relationship with his daughter and frustrating the successful progress of any therapy currently in place regarding the parties' minor daughter and her relationship to her father.

- c. To allow for the utilization of the recorded statements and/or conversations by and between Mother, Maternal Grandparents and the minor child as direct evidence to be utilized by the therapists, the GAL and/or for impeachment purposes relating to Mother's violations of court Orders and continued coaching of the minor child to engage in a pattern of behavior alienating Father;
- d. Revert temporary sole custody of the minor child to Father while limiting daily communication with mother to one call per day to not last more than 15 minutes per day.
- e. Enjoining the parties and the minor child to any communication with the maternal grandparents until this litigation concludes.
- f. If mother gets custodial time, it should be by sight and sound supervision by a third party at mother's expense with no overnights or until such a time the GAL completes a report on alienation and the court considers said recommendations.
- g. Order Mother to undergo parenting classes with an emphasis on alienation sensitization under Dr. Allison M. Foster or another appropriate therapist versed in alienation as approved by the Guardian *ad Litem* at the Defendant's expense;
- h. Order Daughter to undergo alienation therapy with Dr. Jeffery Marcino or Dr. Allison M. Foster or another appropriate therapist as approved by the Guardian *ad Litem* at the Defendant's expense;
- i. Attorneys fees and costs; and
- j. Any other remedy the court deems appropriate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'Rhett D. Klok', is written over a horizontal line.

KLOK LAW FIRM, LLC

Rhett D. Klok (SC Bar #69876)

Suzanne Lafleur Klok (SC Bar #69875)

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Dated: March 5, 2021

Mount Pleasant, South Carolina

ATTACHMENT 1



Final Details for Order #112-4282163-2574669

[Print this page for your records.](#)

Order Placed: August 30, 2020
Amazon.com order number: 112-4282163-2574669
Order Total: \$53.73

Shipped on September 1, 2020

Items Ordered	Price
1 of: <i>Spy Camera Wireless Hidden STTWXL Full HD 4K USB Nanny Cam-Suitable for Home and Office Security Cameras-with Motion Detection-Support Android/iOS</i>	\$51.88
Sold by: JLRKENG (seller profile)	

Condition: New

Shipping Address:
JAMES MCMASTER
1509 BOURNE XING
MOUNT PLEASANT, SC 29466-7560
United States

Shipping Speed:
One-Day Shipping

Payment information

Payment Method:
MasterCard | Last digits: 8096

Billing address
JAMES MCMASTER
1509 BOURNE XING
MOUNT PLEASANT, SC 29466-7560
United States

Item(s) Subtotal:	\$51.88
Shipping & Handling:	\$0.00
Your Coupon Savings:	-\$2.59

Total before tax:	\$49.29
Estimated tax to be collected:	\$4.44

Grand Total: \$53.73

Credit Card transactions MasterCard ending in 8096: September 1, 2020: \$53.73

To view the status of your order, return to [Order Summary](#).

ATTACHMENT 2

Transactions

Delivered Sep 2, 2020

Signed by: DRIVER RELEASE



Spy Camera Wireless Hidden STTWXL Full HD 4K USB Nanny Cam-Suitable for Home and Office Security Cameras-with Motion Detection-Support Android/iOS

Sold by: JLRKENG

Return window closed on Oct 2, 2020

\$51.88

Condition: New



Buy it again

Get product support

Write a product review

Archive order

Customers Who Bought Items in Your Order Also Bought



WAYMOON 4K Hidden Spy Camera Wireless Hidden WiFi Clock Camera Home Security Nanny Camera...
★★★★☆ 807
\$69.99 ✓prime



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★★★★★ 118,002
\$18.99 ✓prime

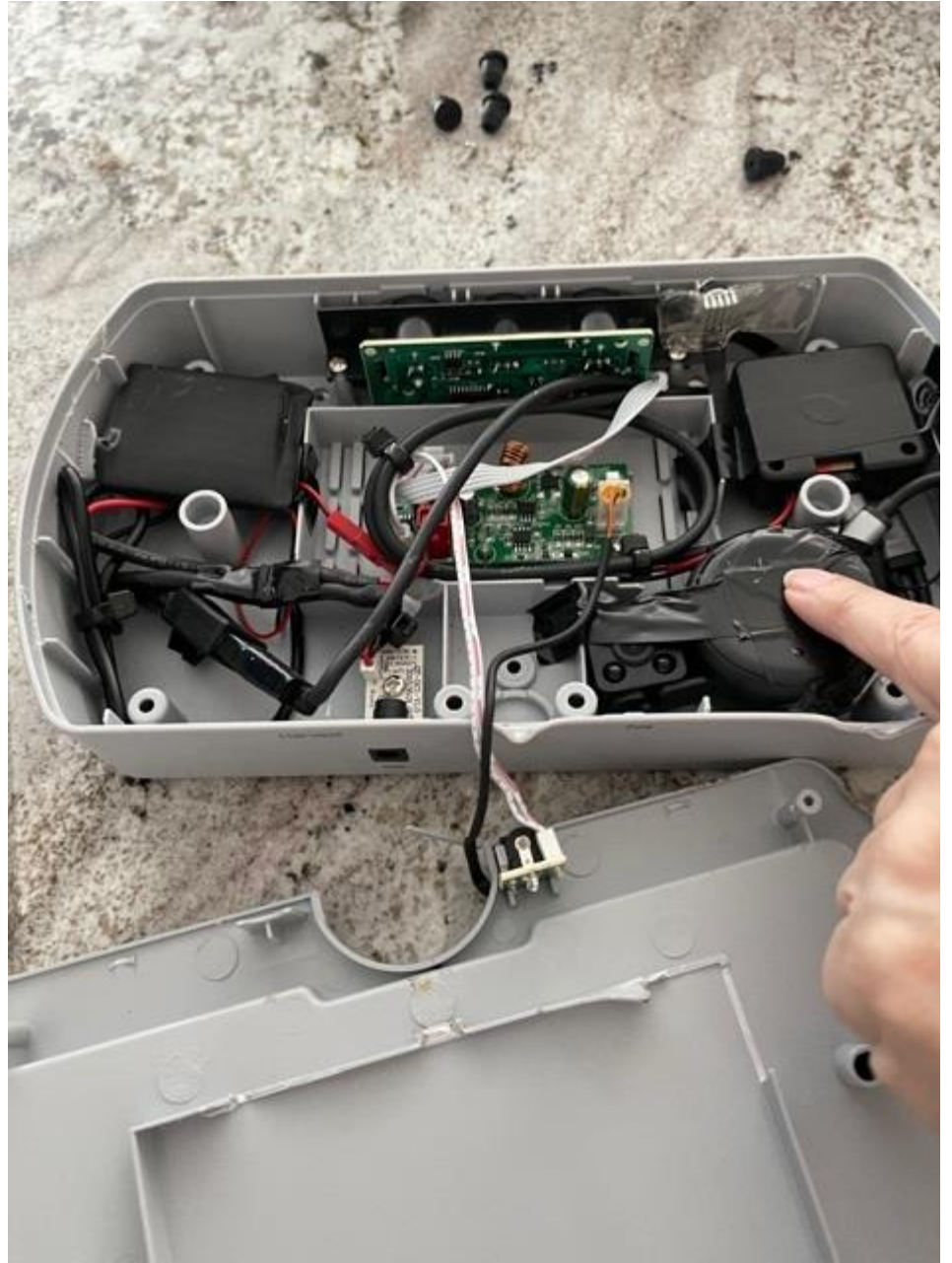


TOPTRO Bluetooth WiFi Projector with Carrying Case, 7500L Native 1080P Portable...
★★★★☆ 398
\$199.99 ✓prime

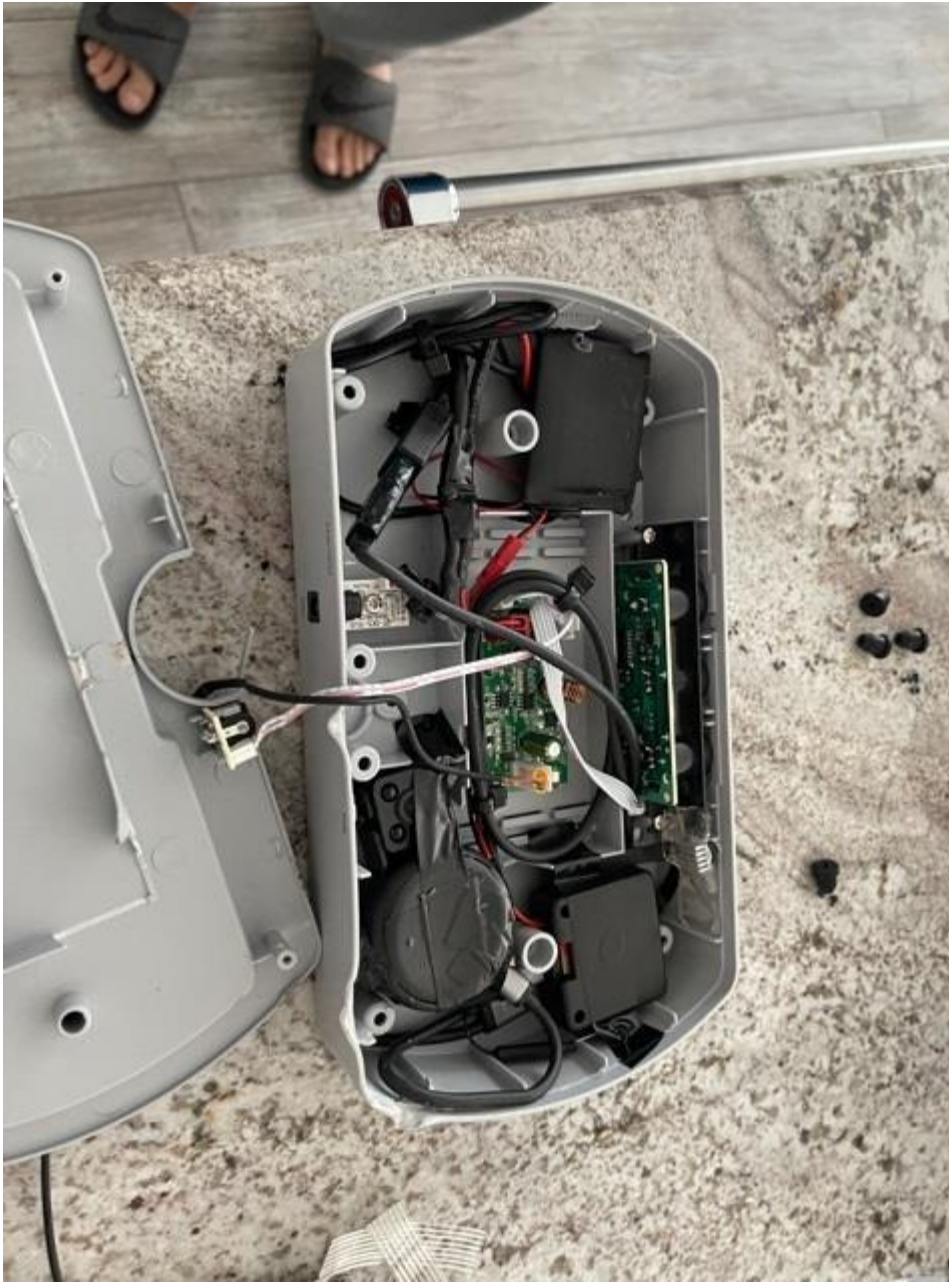


Super Booster 300Mbps WiFi Range Extender, Internet Signal Booster Amplifier Supports...
★★★★☆ 6
\$19.99 ✓prime











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Mar 16 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Family Court

Family Court Case No. 2020-DR-10-2130

Appellate Case No. _____

Jennifer Renee McMaster,

Petitioner,

v.

James Michael McMaster,

Respondent.

PROOF OF SERVICE

I certify that I have served the foregoing Motion to Suppress Recorded Communications (with attachment) via email and via U. S. Postal Service, postage prepaid, on March 16, 2021, to the following addresses:

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March 16, 2021