ALAN WILSON
ATTORNEY GENERAL

LUNASHARK MEDIA: EMPOWERING VICTIMS' VOICES THROUGH FOIA

October 3, 2025

The Honorable Barry J. Barnette
Solicitor, Seventh Judicial Circuit
180 Magnolia Street
Spartanburg, South Carolina 29306

RE: SLED Investigation 2025-01518
(S) Horry County Police Department

Dear Solicitor Barnette:

On September 15, 2023, the Fifteenth Circuit Solicitor requested my office to review State Law Enforcement Division (SLED) Investigation 33-23-0112 involving the shooting death of Scott Spivey, which was primarily a review of the case built by the Horry County Police Department (HCPD). After a thorough review of the evidence, our office declined to bring charges on the case based on Protection of Persons and Property Act immunity from arrest and prosecution grounds we felt were clearly met in the case and therefore we could not ethically move forward with any charges.

As a result of this investigation and an accompanying civil suit, the investigation was released to the civil attorney, Mark Tinsley, and turned over to the family of the deceased, Scott Spivey. In the review of the evidence by the family, Mr. Tinsley raised several concerns with the HCPD investigation of the case. As a result of these concerns, SLED was requested to conduct an investigation into whether there was any misconduct by the HCPD officers in investigating the death of Scott Spivey. Inherent in that investigation is whether the alleged misconduct changes the facts and evidence that resulted in the original conclusion that this case met the elements of South Carolina Code Section §16-11-440 under the South Carolina Protection of Persons and Property Act that provides immunity from arrest and prosecution.

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Due to the fact that we have already reviewed and made a decision on the investigation regarding the death of Scott Spivey, I would like to assign this investigation to your office to review. Once the investigation is complete, it may or may not bring up evidence that would affect the facts as we understand them from the initial investigation. I would ask you to review the entire investigation, including the review of the death of Scott Spivey and my office's determination of immunity under the Protection of Persons and Property Act, commonly referred to as "Stand Your Ground Act". All of this evidence should be covered in the corruption investigation. I request that you make any prosecutorial decisions and handle the prosecutions as to misconduct and include the death of Scott Spivey if you find the current investigation, including the alleged misconduct, changes the analysis of my office. I am sending a copy to SLED Chief Mark Keel so his office can make available to you anything you need to review the investigation.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Alan Wilson

Alan Wilson

cc: The Honorable James "Jimmy" Richardson, Solicitor, Fifteenth Judicial Circuit
The Honorable Amy W. Cox, Spartanburg County, Clerk of Court
Chief Mark Keel, State Law Enforcement Division

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