

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) FIFTHTEENTH JUDICIAL CIRCUIT
) Case No.: 2024-CP-26-03798
Jennifer Spivey Foley, as Personal)
Representative of the Estate of)
Scott Ryan Spivey,)
Plaintiff) **MOTION SEEKING RECUSAL**
vs.) **OF JUDGE EUGENE C. GRIFFITH, JR.**
Charles Weldon Boyd and)
Kenneth Williams,)
Defendants)
_____)

Defendant Weldon Boyd (“Boyd”) moves that Circuit Court Judge Eugene C. Griffith Jr. (“Judge Griffith”) recuse himself from further proceedings in this matter. In support of his motion, Boyd will show:

1. On June 4, 2026, the South Carolina Supreme Court issued an administrative order which, *inter alia*, reminded “judges that all litigants are entitled to an impartial tribunal. . . judges . . . have an obligation to self-disqualify in case where their impartiality might reasonably be questioned in accordance with Section E(1) of the Canon¹.”
2. Boyd has recently learned of facts which demonstrate that the impartiality of Judge Griffith² may reasonably be questioned because of Judge Griffith’s personal participation in settlement negotiations involving the other parties to this action, *to wit*, Plaintiff, through attorney Mark Tinsley, and Defendant Kenneth “Bradley” Williams. As demonstrated Judge Griffith may have

¹ *In Re*: Amendments to Rule 3, Code of Judicial Conduct, Rule 501, South Carolina Appellate Court Rules, Appellate Case No. 2026-001047 (June 4, 2026).

² Chief Justice Kittredge assigned Judge Griffith with “exclusive jurisdiction” over this matter by order filed May 28, 2025.

considered granting immunity to Defendant Williams if Defendant Williams testified falsely in this proceeding.

3. Defendant Boyd's counsel is in possession of an affidavit that suggests that Judge Griffith discussed with Attorney Mark Tinsley during the stand-your-ground hearing on February 17-20, 2026 a possible grant of immunity to Defendant Williams in exchange for Defendant Williams fabricating testimony to prove Boyd intentionally caused the death of Spivey³.
4. On June 3, 2026, Defendant Boyd's undersigned attorney learned of the events of February 22, 2026, described by the affiant. Upon learning these events, the undersigned recalled his personal knowledge of specific events which occurred during the stand-your-ground hearing on February 17-20, 2026 the persuade him that such conversations took place, albeit out of Moss' presence.
5. On information and belief, the undersigned has set forth, in a Motion to Reconsider filed on June 3, 2026, specific facts that evidence bias on the part of Judge Griffith against Boyd. However, with the recent disclosure of the facts from the affiant, and the undersigned recalling the specific conversation among Judge Griffith, Attorney Mark Tinsley one or more of Defendant Williams attorneys, Boyd is justifiably persuaded that Judge Griffith cannot be fair and impartial to Boyd and must recuse himself or be disqualified from further participation in this matter. Canon 3(E)(1), Code of Judicial Conduct, Rule 501, SCACR.

³ The South Carolina Supreme Court observed that attempts to suborn perjury are equally offensive as the actual subornation of perjury. "There can be no well-founded reason why the fabrication of evidence not involving perjury... should not be equally so; they are alike calculated to pervert the public justice of the country, and to do individual injustice." *Burns v. Clayton*, 237 S.C. 316, 334, 117 S.E.2d 300 (1960). The Supreme Court quoted a Nevada case for the proposition that "[i]t is clear that subordination of perjury, tampering with witnesses or otherwise practicing deception upon a court by fraudulent devices is gross misconduct in the perverting or obstruction of justice." *Id.* (emphasis added)(citing *In re: Wright*, 69 Nev. 259, 248 P.2d 1080, 1083).

Other Acts and Omissions by Judge Griffith

6. Boyd has also verified that Judge Griffith had an *ex parte* meeting with members of the media on February 12, 2026 at 9:00 a.m. prior to issuing the Order on Media Coverage on February 17, 2026. **Exhibit A.** On information and belief, Boyd nor his counsel were made aware of this meeting or given an opportunity to participate. Boyd learned of this *ex parte* meeting when a media representative told Boyd's family member about it.
7. On information and belief, the Order on Media Coverage filed February 17, 2026 at 10:42 a.m., was not filed for more than an hour after the stand-your-ground hearing convened, which violates Rule 605(b), SCACR ("Broadcasting, Televising, Recording or Photographing County Proceedings")("... the broadcasting, televising, recording or taking photographs in the courtroom. . . is prohibited"). The official transcript reflects that court commenced at 9:29 a.m. on February 17, 2026. Video in the public domain reflects at least one digital recording began livestreaming and recording for approximately 20 minutes before court was called to order on February 17, 2026.
8. The Order on Media Coverage permitted more cameras to be used in the courtroom that are allowed pursuant to Rule 605(f)(3)(i)("No more than two television cameras. . . shall be permitted. . ."). The Order on Media Coverage allowed three (3) "television cameras." ¶ 2, Order on Media Coverage. As described herein, there are no records that document how many cameras were in the courtroom at any given time.
9. Rule 605(f)(1)(ii) requires that media representatives "must give reasonable notice to the presiding judge of a request to cover a proceeding." Public documents reflect that multiple

media outlets that were authorized to participate in media coverage did not file requests for participation prior to commencement of proceedings on February 17, 2026. **Exhibit B⁴**.

10. Also, Rule 605(f)((5)(i) requires that the presiding “judge shall designation the location in the courtroom for media equipment and operators.” The Order for Media Coverage, the Clerk of Court’s common pleas journal, nor the official transcript reflects this was done.
11. Public documents confirm that no record was kept of the identity of media representatives who were allowed in the courtroom during the proceedings on February 17 – 20, 2026. The clerk of court is required to maintain a “journal” of proceedings in common pleas court pursuant to S.C. Code § 14-17-540(1). That “journal” is attached as **Exhibit C**. The journal contains no information regarding the identity of media representatives who were allowed into the courtroom during court proceedings⁵. The Order on Media Coverage expressly stated that “[c]overage of the proceeding shall be subject to the continuing supervision of the Court.” ¶ 16.
12. The Order for Media Coverage required that participating media representatives be “familiar with the published Bench-Bar-Press Guidelines. . .” ¶ 6. None of the applications by media outlets reflect this affirmation was made by any media representative prior to being allowed to participate in media coverage of the proceedings. **Exhibit B⁶**.

⁴ While only four (4) of the Media Request Forms are signed by Judge Griffin and actually filed, the Order on Media Coverage contains a list of media representatives who are authorized to participate in the proceedings under Rule 605 SCACR and the Order on Media Coverage. The unfiled requests, which are not filed in the record of this case, were obtained from the Clerk of Court via a request under the Freedom of Information Act. *See* Footnote 6.

⁵ Similarly, the official transcript dated April 30, 2026 contains no information as to the identity of media representatives who participated in the proceedings. While the official transcript reflects time stamps as to the opening and closing of court proceedings each day, the journal does not contain this information.

⁶ Media request forms obtained by Boyd through FOIA requests reflect multiple media requests that are clearly inaccurate; dates are random and most of them are unfiled. *See Exhibit D, Page 1, 6, 7, 8, 10, 11, 12, 13*. By way of example, a media form requesting coverage by “Dateline NBC” is dated February 13, 2024, but this lawsuit was not filed until June, 2024. **Page 1**. Others are dated and bear file stamps with dates months before the

The acts and omissions set forth in Paragraphs 7 through 12 above are not independent evidence of Judge Griffith's bias toward Boyd. However, they set forth evidence that Judge Griffith was cavalier with his oversight of media coverage of the stand-your-ground hearing. At least one video in the public domain, which has to have been recorded by an authorized media representative, includes multiple daily images of events in the courtroom when the court was not in session, in violation of the Order for Media Coverage. ¶ 14, Order for Media Coverage ("Any camera. . . shall operate only while the Court is in session.").

WHEREFORE, having fully set forth the grounds for his Motion for Recusal by Judge Griffith, Boyd moves for an order by Judge Griffith recusing himself from further participation in this proceeding.

Boyd reserves the right to supplement this motion with legal memoranda prior to and after any hearing in this matter.

Respectfully submitted,

s/ Kenneth R. Moss

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