

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

COURT OF GENERAL SESSIONS
FOR THE FOURTEENTH JUDICIAL CIRCUIT

Indictment Nos.: 2023A1510100220-222,
2023A1510100224-227, 2023A1510100281-288,
2023A1510100277-280, 2023A1510100266-268

STATE OF SOUTH CAROLINA)

AMENDED ORDER

v.)

RYAN LENARD MANIGO,)

Defendant.)

This matter is before the Court on Defendant's "Motion to Preclude the Release of Defendant's Private Communications Being Held and Maintained by the Colleton County Detention Center" filed August 9, 2023. Following a brief hearing on October 19, 2023, this Court entered an Order continuing the matter and prohibiting the release of the requested records until further notice. A full hearing on the matter was held on October 24, 2023.

HISTORY

The above-named Defendant was arrested on July 2, 2023, and subsequently indicted. Since that time, he has been held in pretrial detention in both Colleton County and Clarendon County. On August 9, 2023, Defendant, by and through his attorneys, moved for an Order precluding the release of Defendant's jail calls pursuant to Title 30, Chapter 4 of the South Carolina Code of Laws ("FOIA Statute"), and various articles of the United States Constitution and Constitution of the State of South Carolina.

A hearing was held on the Motion on October 19, 2023, before this Court, at which time the State informed the Court that multiple media outlets had submitted FOIA requests to the Colleton County Sheriff's Office for copies of the Defendant's recorded jail calls. This Court, after finding that the parties failed to notify the media outlets of the hearing, continued the matter so

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each entity could be given an opportunity to address the Court. The matter was re-scheduled for October 24, 2023, and this Court issued an Order Prohibiting the Release of Information Until Further Order of the Court.

At the hearing on October 24, 2023, Gray Media Group, Inc. (WCSC-Charleston) was represented by Mark A. Peper and Brenna D. Wiles of The Peper Law Firm, P.A. and FITSNews was represented by Catherine Wyse of DeShon Law Firm. WCIV-Charleston was present but not represented by counsel. The Fourteenth Circuit Solicitor, Duffie Stone, III, was present, along with counsel for the Defendant, Robert Bank, Boyd Young, and Matthew Walker. The Defendant waived his right to appear.

LAW

S.C. Code Ann. § 30-4-20(a) defines a “public body” as “any department of the State... any public or governmental body or political subdivision of the State, including counties...” A “public record includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body.” S.C. Code Ann. § 30-4-20(c).

The South Carolina Freedom of Information Act provides that “a person has a right to inspect, copy, or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30-4-40, or other state and federal laws, in accordance with reasonable rules concerning time and place of access.” S.C. Code Ann. § 30-4-30(A)(1).

S.C. Code Ann. § 30-4-40(a) provides specific exemptions that “a public body may but is not required to exempt from disclosure.” Further, “if any public record contains material which is not exempt under subsection (a)...., the public body shall separate the exempt and nonexempt

material and make the nonexempt material available in accordance with the requirements of this chapter.” S.C. Code Ann. § 30-4-40(b).

“Any expectation of privacy in outbound calls from prison is not objectively reasonable and the Fourth Amendment is therefore not triggered by the routine taping of such calls.” U.S. v. Van Poyck, 77 F.3d 285 (9th Cir. 1996). Further, to the extent inmates at the Colleton County Detention Center have a reasonable expectation of privacy, any limitation on the right does not prohibit the publication of matter which is of legitimate public or general interest. Soc’y of Prof’l Journalists v. Sexton, 283 S.C. 563, 324 S.E.2d 313 (1984). As a matter of law, if a person, whether willingly or not, becomes an actor in an event of public or general interest, then the publication of his connection with such an occurrence is not an invasion of his right to privacy. Doe v. Berkeley Publishers, 329 S.C. 412, 496 S.E.2d 636 (1998).

S.C. Code Ann. § 30-4-110(A) provides that a public body may file a request for a hearing with the circuit court if it is unable to make a “good faith determination as to whether the information is exempt from disclosure.” S.C. Code Ann. § 30-4-110(B) provides that a person with a specific interest in the underlying records shall have the right to “request a hearing with the court or to intervene in an action previously filed” if a request for disclosure “may result in the release of records or information exempt from disclosure under Section 30-4-40(a)(1), (2), (4), (5), (9), (14), or (19).”

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the forgoing, the pleadings, the memoranda, and exhibits submitted by the parties, to include a recent Circuit Court Order entered in Charleston County on August 1, 2023¹, and the

¹Order of the Hon. Jean H. Toal granting Plaintiff’s Complaint for Declaratory Judgment and Injunctive Relief. (2023-CP-10-03027)

arguments presented by the parties, this Court makes the following findings of fact and conclusions of law:

1. I find that the Colleton County Sheriff's Office ("CCSO") and the Clarendon County Sheriff's Office are a public body as defined in S.C. Code Ann. § 30-4-20(a).
2. I find that the Colleton County Detention Center "CCDC" and the Clarendon County Detention Center are maintained by the local Sheriff's Offices, where Defendant was/is being held in pretrial detention.
3. I find that both detention centers record and maintain or instructs a 3rd party to do so on their behalf, all calls of inmates in their custody at both detention centers, including the Defendant's calls.
4. I find that inmates held in pretrial detention are informed prior to and during each outgoing call that the call is being recorded and monitored.
5. I find that the receiving party is informed during each call that the call is being recorded and monitored.
6. I find that the recordings made of jail calls at each detention center are public records as defined by S.C. Code Ann. § 30-4-20(c).
7. I find that Defendant cannot meet the burden of showing that the release of any recordings pursuant to FOIA is an unreasonable invasion of privacy.
8. Having found the recordings to be public records, I find that each detention center must comply with S.C. Code Ann. § 30-4-30(c) and timely notify the requestors of its determination(s). If the request is granted, the detention center, pursuant to the FOIA statute, must then furnish the records no later than thirty calendar days from the date of the final determination.

9. I find that cited exemptions preventing disclosure, if any, must be related to specific records and recordings, and that proper notice must be given to the requesting parties pursuant to S.C. Code Ann. § 30-4-40.
10. I find that if the detention center determines that each specific recording is not exempt from release pursuant to FOIA, it must provide 3 business days' notice to the above-named Defendant of its intent to release the records and recordings to the requesting parties, so to provide an opportunity for the Defendant to seek subsequent relief from this Court.
11. I find that, in the absence of a subsequent Order from this Court, each detention center shall timely comply with the procedures set forth in the South Carolina Freedom of Information Act.
12. I find that the Defendant's rights under Title 30, Chapter 4 of the South Carolina Code of Laws (FOIA), the First, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Article I, §§ 3, 9, 10, 11, 12, 14 and 15 of the Constitution of the State of South Carolina, State v. Ellefson, 266 S.C. 494, 224 S.E.2d 666 (1975), and State v. Blackwell, 420 S.C. 127, 801 S.E.2d 713 (2017) do not prevent the disclosure of calls under FOIA.

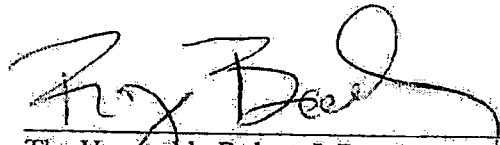
ORDER

Having applied the facts of this case to the law, it is hereby ORDERED that:

1. The relief sought by Defendant is hereby DENIED.
2. The October 18, 2023, Order Prohibiting the Release of Information Until Further Order is hereby lifted.
3. The public body must comply with the procedures set forth in the Freedom of Information Act and this Order.

4. The public body must provide an opportunity for the Defendant to seek subsequent relief from this Court by informing Defendant of its intent to release any of the requested records and recordings, if applicable, no less than 3 business days to doing so.

AND IT IS SO ORDERED!


The Honorable Robert J. Bonds

This ___ day of October 2023.
Walterboro, South Carolina

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STATE OF SOUTH CAROLINA
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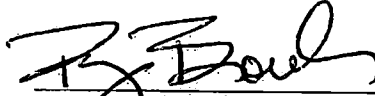
v.

RYAN LENARD MANIGO,

Defendant.

Re: Defendant's motion to reconsider the release of jail calls pursuant to FOIA

The Defendant's Motion to Reconsider is hereby Denied ORDERED.


The Honorable Robert J. Bonds
Chief Administrative Judge

Date: 10/5/23

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COUNTY OF COLLETON

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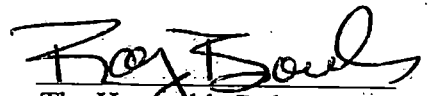
RYAN LENARD MANIGO,

ORDER

Defendant.

Re: Defendant's motion to Stay the release of Jail Calls pursuant to FOIA

The Defendant's Motion to Stay is hereby Denied ORDERED.


The Honorable Robert J. Bonds
Chief Administrative Judge

Date: 10/31/23