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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of General Sessions

Appellate Case No. 2020-001519

The State, Respondent

v.

Ryan Lenard Manigo, Appellant

**MOTION
FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE OF THE
NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS**

John S. Nichols
SC Bar # 4210
Bluestein Thompson Sullivan, LLC
PO Box 7965
Columbia, SC 29202
(803) 779-7599
john@bluesteinattorneys.com

William B. Koontz
SC Bar # 106496
Bluestein Thompson Sullivan, LLC
PO Box 7965
Columbia, SC 29202
(803) 779-7599
william@bluesteinattorneys.com

Attorneys for National Association
of Criminal Defense Lawyers

Pursuant to Rule 213, SCACR, the National Association of Criminal Defense Lawyers (NACDL) moves the Court of Appeals for leave to file a Brief of Amicus Curiae. NACDL conditionally files the Brief with this motion.

NACDL is a nonprofit, voluntary professional bar association that works on behalf of criminal defense attorneys to ensure justice and due process for those accused of crime or misconduct. Founded in 1958, NACDL has a nationwide membership of many thousands of direct members and of up to 40,000 with affiliates. NACDL is the only nationwide professional bar association for both public defenders and private criminal-defense lawyers, and its members include private criminal-defense lawyers, public defenders, military defense counsel, law professors, and judges.

Consistent with NACDL's mission of advancing the proper, efficient, fair and just administration of justice, NACDL files numerous amicus briefs each year in the United States Supreme Court and other state and federal courts, all aimed at providing assistance in cases that present issues of broad importance to criminal defendants, criminal defense lawyers, and the criminal justice system as a whole.

A brief of amicus curiae is desirable in this matter because of the critical importance of the novel issues before the Court and the unique national perspective NACDL can bring to this case. Producing under the Freedom of Information Act (FOIA) the content of recorded jailhouse conversations between an incarcerated person and others will have a chilling effect on an incarcerated person's ability to obtain effective assistance of counsel, and publication of those contents will intrude upon the incarcerated person's privacy rights and impact the court's ability to select a fair and impartial jury. Furthermore, disclosure will not serve the essential goals of

FOIA or the policies underlying FOIA, that is, preventing public officials from adopting policy, spending public funds, or engaging in public business in secret.

Respectfully submitted,

/s/

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john@bluesteinattorneys.com

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Bluestein Thompson Sullivan, LLC
PO Box 7965
Columbia, SC 29202
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william@bluesteinattorneys.com

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of Criminal Defense Lawyers

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Mark A. Peper, Esquire
Brenna D. Wiles, Esquire
Catherine Wyse, Esquire