

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Colleton County

Court of General Session
The Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

Respondent,

v.

RYAN LENARD MANIGO,

Appellant.

Appellate Case No. 2024-001818

**STATE’S RETURN TO
APPELLANT’S PETITION FOR SUPERSEDEAS**

Appellant, Ryan Lenard Manigo, is a pretrial detainee in Colleton County currently charged with multiple crimes including: five counts of murder; arson first degree; two counts of criminal sexual conduct first degree; two counts of criminal sexual conduct with a minor; two counts of kidnapping; six counts of possession of a deadly weapon in the commission of a violent crime, burglary first degree; attempted murder and incest. The charges remain pending at this time.

Appellant is attempting an appeal from a ruling in general sessions and seeks a writ of supersedeas to stay a circuit court order that allows the media access to certain jail calls. However, this is a general sessions case and supersedeas is not available in criminal matters. Further, the appeal is interlocutory and improper. If supersedeas could be available, there is no basis for it since the appeal should be dismissed. Simply, Petitioner has failed to show supersedeas is

appropriate and this Court must deny the petition. In support of its position, Respondent would respectfully show the Court:

1. This is Appellant's second attempt to have this Court intervene regarding the release of his jail calls. This Court dismissed the prior appeal as interlocutory given that the circuit court order then appealed "contemplate[ed] some further act which must be done prior to a determination of the rights of the parties...." *See* Appellate Case No. 2023-001747 (January 24, 2024, Order at 2). Further proceedings have taken place and Appellant returns to this Court seeking review of the order that settled which of his calls may be released. Appellant apparently contends his claims are ripe. To the extent the now completed ruling did not moot the claim as to the calls reviewed,¹ that Respondent acknowledges; however, the appeal is still not ripe.

2. The State submits the appeal remains interlocutory, thus, the supersedeas petition must be denied as Petitioner cannot maintain the appeal. *See* Rule 241(c), SCACR (supersedeas works to stay the order on appeal during the pendency of the appeal). The ruling Appellant seeks to appeal arises from the defense's motion to preclude release of jail calls² and an order in the general sessions matter. Normally, a criminal defendant may not appeal prior to being sentenced. *See, e.g., State v. Rearick*, 417 S.C. 391, 400, 790 S.E.2d 192, 196 (2016) ("defendant may appeal only after sentence has been imposed"). "Absent some specialized statute, the immediate appealability of an interlocutory or intermediate order depends on whether the order falls within § 14-3-330." *Ex parte Wilson*, 367 S.C. 7, 13, 625 S.E.2d 205, 208 (2005). Petitioner has shown

¹ At the May 7, 2024 hearing, Judge Bonds viewed the release expressly from the view to protect the right to a fair trial, and did not release certain calls, however, he only reviewed those calls presented to him with defense counsel noting that no later requests had been made.

² On August 9, 2023, Appellant, through counsel, filed a motion in the criminal case to "Preclude the Release of Defendant's Private Communications Being Held and Maintained by the Colleton County Detention Center."

neither finality nor an exception that would allow him to otherwise maintain this appeal. Considering the appeal must be dismissed, his petition should be denied.

3. Further, Rule 241(c), SCACR, by its terms, cannot apply. Rule 241 expressly limits applicability to civil actions.³ This is not a civil action. Appellant’s motion was filed in general sessions and appears to be in the nature of a motion for a restraining order. While restraining orders are generally civil matters, our Supreme Court has resolved that “a court of general sessions has subject matter jurisdiction to issue an injunction, if necessary, to protect its proceedings.” *State-Rec. Co. v. State*, 332 S.C. 346, 349, 504 S.E.2d 592, 594 (1998). But even giving Petitioner the benefit of the doubt for the sake of argument,⁴ if the motion is considered to be an “injunction” ruling, once again, it is not immediately appealable as it is not a ruling on an injunction in a civil case. *See* S.C. Code Ann. § 14-3-330 (4) (“An interlocutory order or decree *in a court of common pleas* granting, continuing, modifying, or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver.”).⁵ Again, the petition must be denied.

³ Any stay for a criminal matter must be considered under the terms of Rule 246, SCACR, not Rule 241. Notably Rule 246 requires a “sentence” which again underscores the interlocutory nature of this appeal where there is none.

⁴ Appellant has based his arguments on applicability of FOIA to his calls which does not speak in terms of injunction or other restraint but is controlled by applicability and exemption. Under the FOIA statute, a “citizen of the State” may seek redress by filing an action seeking a declaratory judgment and injunctive relief – a civil action. *See* S.C. Code Ann. Code § 30-4-100. However, it appears that was not pursued here.

⁵ To the extent Appellant is simply attempting to keep his crimes and notoriety out of the media, that is unlikely. First, as was referenced in the previous attempted appeal in this Court, an internet search with his name already yields multiple articles detailing his crimes. *See, e.g.*, <https://www.wjcl.com/article/ryan-manigo-colleton-county-death-penalty/44700100>; <https://www.live5news.com/2023/07/31/colleton-county-murder-suspect-faces-17-new-charges/>; <https://www.nbcnews.com/news/us-news/1-6-people-found-dead-south-carolina-house-fire-was-11-year-old-daught-rcna92428>. Respondent further notes that the media now not only is reporting on the crime but also on Appellant’s attempt(s) to prevent release of his jail calls. <https://www.live5news.com/2024/10/23/judge-orders-colleton-co-murder-suspects-jail-calls-be>

CONCLUSION

WHEREFORE, having made its return, and for all the foregoing reasons, the State submits the petition should be denied, and the notice of appeal should be dismissed.

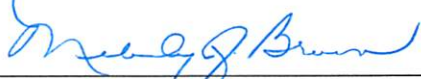
Respectfully submitted,

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November 22, 2024
Columbia, South Carolina.

released/; <https://www.live5news.com/2024/11/21/i-hid-behind-curtains-sole-survivor-green-pond-murders-shares-her-story/> (noting the appeal of Judge Bond's ruling).

Even so, media attention does not equate with unfair proceedings. “It is not required ... that the jurors be totally ignorant of the facts and issues involved.” *Irvin v. Dowd*, 366 U.S. 717, 722 (1961). Simply, “mere exposure to pretrial publicity does not automatically disqualify a prospective juror” rather, “[t]he relevant question is ... whether the jurors had such fixed opinions that they could not judge impartially the guilt of the defendant.” *State v. Evins*, 373 S.C. 404, 412–13, 645 S.E.2d 904, 908 (2007). Our Supreme Court has cautioned “that jury voir dire is the preferred and generally accepted tool that protects a defendant from the prejudicial effects of pre-trial publicity.” *Ex parte Hearst-Argyle Television, Inc.*, 369 S.C. 69, 77, 631 S.E.2d 86, 90 (2006). But again, here, the trial judge carefully reviewed each call before making a decision. The broad arguments advanced, even if heard, would fail to show any addressable deficiency at this juncture.

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PROOF OF SERVICE

The undersigned certifies that, pursuant to Rule 262 (c)(3), SCACR, and the April 24, 2024 Amended Order of the Supreme Court of South Carolina, the *Return to Petition for Supersedeas* and *Proof of Service* has been served upon Appellant's counsel, by forwarding same via email today at the following addresses:

S. Boyd Young, Esq. at byoung@sccid.sc.gov,
Robert L. Bank, Jr., Esq. at rbank@sccid.sc.gov

and also to counsel for Gray Media Group

Michael J. Anzelmo, Esq., at manzelmo@mcguirewoods.com;
Jason A. Richardson, Esq., at jarichardson@mcguirewoods.com;
Mark A. Peper, Esq., at Mark@peperlawfirm.com;
Brenna D. Wiles, Esq., at brenna@peperlawfirm.com

This 22nd day of November 2024.



Brandy Rankin
Legal Assistant

Brandy Rankin

From: Brandy Rankin
Sent: Friday, November 22, 2024 12:16 PM
To: byoung@sccid.sc.gov; rbank@sccid.sc.gov; manzelmo@mcguirewoods.com; jarichardson@mcguirewoods.com; Mark@peperlawfirm.com; brenna@peperlawfirm.com
Cc: Melody Brown; Angela Brown
Subject: The State v Ryan Lenard Manigo - Appellate Case No. 2024-001818 - State's Return to Appellant's Petition for Supersedeas & Proof of Service
Attachments: State's Return to Appellant's Petition for Supersedeas & Proof of Service.pdf

Dear Sir or Madam,

Please find attached the State's Return to Appellant's Petition for Supersedeas along with the Proof of Service to the same. These documents will be filed with the South Carolina Court of Appeals today, November 22, 2024 along with a copy of this email. Thank you.

Sincerely,
Brandy Rankin

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