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Dec 04 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM
COLLETON COUNTY COURT OF GENERAL SESSIONS

Honorable Robert J. Bonds, Judge

Docket Nos. 2023A1510100220-222, 2023A1510100224-227, 2023A1510100226-268 &
2023A1510100277-288

Appellate Case No. 2024-001818

The State,

Respondent,

v.

Ryan Lenard Manigo,

Appellant.

MOTION TO DISMISS APPEAL

Pursuant to Rules 240 and 208(a)(4) of the South Carolina Appellate Court Rules, Gray Media Group, Inc. (“Gray Media”) moves the Court for an order dismissing the appeal because Appellant failed to timely file and serve his Initial Brief of Appellant. Appellant filed and served the Notice of Appeal in the above-captioned appeal on October 28, 2024. Because Appellant was in possession of the transcript at the time he filed his Notice Appeal, Appellant was required to file and serve his initial brief within thirty (30) days of service of the notice of appeal. *See* Notice of Appeal filed October 28, 2024 (stating that “NOTICE TO CLERK OF COURT: A sealed transcript has already been prepared by the Court Reporter”); *see also* Rule 208(a)(1), SCACR (“Within thirty (30) days after

receiving the transcript . . . appellant shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the appellate court one copy of the brief with proof of service”).

The deadline for Appellant to file and serve his Initial Brief expired on Wednesday, November 27, 2024.¹ Appellant failed to comply with this deadline. Thus, “the failure of the appellant to file and serve his brief within the time prescribed” requires the Court to “sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260.” Rule 208(a)(4), SCACR; *see also* Rule 260(a), SCACR (“Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court”).

Respectfully submitted,

/s/ Michael J. Anzelmo

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¹ Appellant’s petition for a writ of supersedeas did not stay his deadline for the initial brief. Rule 240(b), SCACR (“Unless otherwise provided by these Rules, or ordered by the appellate court, the time limits imposed by these Rules shall not be stayed by the filing of a motion or petition”).

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PROOF OF SERVICE

I certify that the Gray Media Group, Inc.'s Motion to Dismiss Appeal was served on the following via electronic mail under Paragraph (d)(1) of the Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), Appellate Case No. 2020-000447.

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Respectfully submitted this December 4, 2024.

Respectfully submitted,

/s/ Michael J. Anzelmo

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