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Dec 09 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.

Gray Media’ Reply to Appellant’s Return to the Motion to Dismiss the Appeal

On December 4, 2024, Gray Media Group, Inc. (“Gray Media”) moved the Court for an order dismissing the appeal because Appellant failed to timely file and serve his Initial Brief of Appellant. In a striking return, Appellant admits he has no intention to file an Initial Brief or comply with any of the other obligations imposed on him by the South Carolina Appellate Court Rules necessary to have the Court rule on the merits of the trial court’s FOIA order included with his Notice of Appeal. Instead, Appellant says his “Notice of Appeal was *nothing more than a vehicle* to have this Court consider the Appellant’s Writ of Supersedeas.” *See* Return p. 1-2 (emphasis added).

A writ of supersedeas, however, is not a substitute for an appeal of the merits order

from the trial court, nor is it an injunction, because any grant of supersedeas “pursuant to this Rule *shall not be construed to affect the validity of the judgment, order, decree, decision and any liens until the judgment, order, decree or decision is reversed or modified by the appellate court.*” Rule 241(c)(4), SCACR (emphasis added). In fact, the writ of supersedeas merely stays “matters decided in the order . . . on appeal,” *see* Rule 241(c)(1), SCACR, but would only remain “in effect *during the pendency of the appeal.* . . .” Rule 241(c)(4), SCACR (emphasis added).

Because Appellant has no intent to comply with any of his obligations under the SCACR necessary to pursue his appeal, he has abandoned his appeal of the trial court’s order. Appellant’s request for supersedeas relief does not relieve him of these obligations. Thus, this appeal should be dismissed immediately. 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”). Once the appeal is dismissed, as it must be, any writ of supersedeas issued¹ by the Court would terminate.

Respectfully submitted,

/s/ Michael J. Anzelmo
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¹ The Court should deny the Appellant’s writ of supersedeas as outlined in Gray Media’s return to same.

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PROOF OF SERVICE

I certify that the Gray Media Group, Inc.'s Reply to Appellant's Return to the Motion to Dismiss the 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 9, 2024.

Respectfully submitted,

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